



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.913 of 2022

Dharani

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Arakkonam Town Police Station
Ranipet District
(Crime No.470 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.470 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.N.S.Suganthan
Government Advocate(CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.10.2021 for the offences under Section 174 of Cr.P.C @ 323, 324, 302 r/w 34 of IPC in Crime No.470 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons killed the de-facto complainant's son by throwing large boulder on the chest of de-facto complainant's son. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that this the second bail petition and the petitioner was suffering incarceration for 78 days from 26.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner along with other accused persons killed the de-facto complainant's son by throwing large boulder on the chest of de-facto complainant's son. He further submitted that petitioner has no previous case and the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Learned Judicial Magistrate, Arakkonam, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall stay at Chidambaram and appear before the town police station on every Tuesday and Saturday at 10.30 a.m., for a period two months;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
RANIPET DISTRICT.

5 THE OFFICER INCHARGE,
TOWN POLICE STATION,
CHIDAMBARAM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.JEYAMOHAN Advocate on payment of necessary charges

CRL OP.913/2022

Date :12/01/2022

RW 19/01/2022