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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Crl.O.P.No.452 of 2022

Ezhilnilavan

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
(Crime No.659 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.659 of 2021 on the file of the respondent police, Needamangalam Police Station, Thiruvarur District.

For Petitioner : Mr.Swami Subramanian
for M.P.Yuvaraj

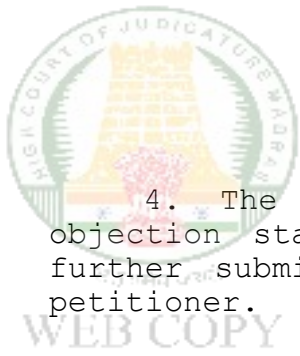
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.11.2021 for the offences under Sections 147, 148, 324, and 302 of IPC altered into 147, 148, 294(b), 341, 109, 120(B), 307, 506(ii) and 302 of IPC in Crime No.659 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons attacked the deceased with aruval and knife and he died on the spot. 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 submits that the petitioner was went to the native place to attend the funeral of his grandmother . He further submits he has been suffering incarceration for 61 days from 11.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that two more accused is yet to be secured. He further submitted that there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and there is no previous case as against the petitioner 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 District Munsif Cum Judicial Magistrate Needamangalam, Thiruvarur district, 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 appear before the respondent police on every Tuesday and Saturday at 10.30 a.m and 5.00 p.m for a period of three 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.

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-sd/-
11/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISION,
THIRUCHIRAPALLI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.M.P.YUVARAJ Advocate on payment of necessary charges

CRL OP.452/2022

Date :11/01/2022

INBA-12/01/2022