



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Cr1.O.P.No.930 of 2022

1.Magesh Kumar @ Magesh
2.Siva @ Sivakesh Kumar

...Petitioners

Vs.

The State rep by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri
(Crime No. 510 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 510 of 2021 on the file of the Respondent police.

For Petitioners : Mr.J.Kingsly Solomon

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 22.11.2021 for the offences under Sections 147,148,294(b), 302 of IPC in Crime No. 510 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 20.11.2021, there arose a wordy quarrel between the 1st accused and the deceased while participating in the chit which was held at Marchanchavadi near Iyyappan Temple. At that time, the 1st accused along along with other accused attacked the deceased due to which he suffered severe injuries and died on the spot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them and that the petitioners have been suffering incarceration for more than 70 days from 22.11.2021. He would further submit that the co-accused has been granted bail by this Court and would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the 1st petitioner /A1 has been detained under Act 14 of 1982. He would further submit that the petitioners along with other accused actively involved in this offence but admits that the 2nd petitioner/A5 who is the helper of A1 had voluntarily surrendered before the Court and the investigation is almost completed and one of the co-accused has been granted bail by this Court and that there is no previous case against the petitioner.

5. In view of the above submission that the 1st petitioner /A1 has been detained under Act 14 of 1982, this petition is dismissed as infructuous insofar as the 1st petitioner is concerned.

6. Considering the facts and circumstances of the case and the co-accused has been granted bail by this Court and that the investigation is almost completed and there is no previous case against the 2nd petitioner and also considering the period of incarceration undergone by him, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

(a) Accordingly, the 2nd 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 2nd petitioner has been confined and thereafter on his release;

(b) the 2nd petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned District Munsif cum Judicial Magistrate, Denkanikottai, 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;

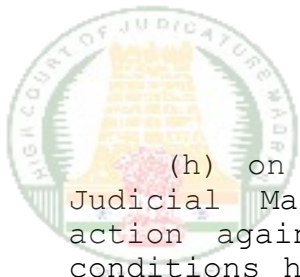
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the 2nd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

(e) the 2nd petitioner shall not commit any offences of similar nature;

(f) the 2nd petitioner shall not abscond either during investigation or trial;

(g) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/02/2022

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, DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.NO.1642

CRL OP.930/2022

Date :02/02/2022

RVR 03/02/2022