

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1376 of 2022

Hariharan @ Chandru

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Madukarai Police Station,
Coimbatore
(Crime No: 563 / 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in Crime No.563/2021 on the file of the Inspector of Police Madukarai police station.

For Petitioners : M/s.S.Dineshkumar

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.11.2021 for the offences under Sections 147, 148, 342 and 302 IPC, in Crime No.563 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 attacked the defacto complainant's son with knife in respect of dispute with regard theft of Cock due to which, he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 2 months from 12.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that there are totally five accused and the petitioner is arrayed as A5 and that he has got one previous case for the offence under 304A IPC but admits that A4 has been granted bail and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that co-accused has been granted bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Madukkarai, 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 petitioner shall report before the respondent police on daily at 10.30 a.m. and 5 p.m. for a period of two months and thereafter, shall report before the respondent police as and when required for interrogation.

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

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

(g) the 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 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];

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

-sd/-

24/01/2022

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,
MADUKKARAI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MADUKARAI POLICE STATION,
COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1376/2022

Date :24/01/2022

CSK 25/01/2022