



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1749 of 2022

1. Praveen @ Praveenkumar
2. Kicha @ Sridhar
3. Sasi @ Sasikumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(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 bail, in Crime No. 510 of 2021 pending investigation on the file of the Respondent police.

For Petitioners : M/s.C.Munusamy

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

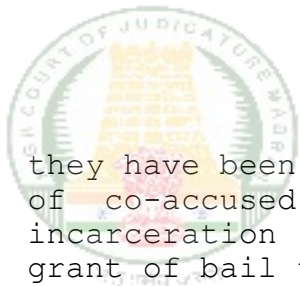
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.11.2021 for the offences under Sections 147, 148, 294 (b) and 302 of IPC in Crime No. 510 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 and the deceased are friends and they were running a finance business jointly and that there was some dispute between them with regard to business transaction. Therefore, the deceased separated from A1. In that motive, A1 along with the petitioners and other accused planned and murdered the deceased. 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 the petitioners' names are not found in the FIR and



they have been falsely implicated in this case based on the confession of co-accused and that the petitioners have been suffering incarceration for 60 days from 27.11.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that due to dispute in respect of business transaction, A1 along with other accused committed the murder of the deceased and 3 more accused are yet to be arrested but admits that the investigation has been completed and the charge sheet has been filed and the same has been taken on file.

5. Considering the fact that the investigation has been completed and the charge sheet has been filed and the same has been taken on file and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned 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 petitioners shall stay at Karur and report before the Town Police Station on every Monday and Saturday at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

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



(f) the petitioners 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 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.

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

-sd/-
27/01/2022

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
/ STATION HOUSE OFFICER,
TOWN POLICE STATION, KARUR

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

CRL OP.1749/2022

Date :27/01/2022

JPA 28/01/2022