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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Crl.O.P.No.1752 of 2022

Binash

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Madukkavai Police Station,
(Crime No. 563 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused.2 on bail, in Crime No.563 of 2021 on the file of the Respondent police.

For Petitioner : M/s.S.Dinesh Kumar

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

O R D E R

(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 of 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 75 days 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 A2 but admits that A4 and A5 have been granted bail and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the co-accused have 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 District Munsif cum 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 stay at Cuddalore and report before the Town Police Station on every Monday and Saturday at 10.30 a.m. until further orders.

(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.



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

-sd/-
27/01/2022

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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 MAGISTRATE,
MADUKKARAI.

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

3 THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

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

CRL OP.1752/2022

Date :27/01/2022

INBA~28/01/2022