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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Crl.O.P.No.1910 of 2022

Ragul

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur 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.

For Petitioner : M/s.S.Mariselvam

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.11.2021 for the offences under **Sections 147, 148, 294(b), 324, 341, 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 on 10.11.2021, the petitioner and others abused the deceased with unparliamentary words and scolded and assaulted him with Aruval 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 a false case has been foisted against him and that the petitioner has been suffering incarceration for 78 days from 14.11.2021. He would further submit that one of the co-accused/ A8 has been granted bail and that the petitioner's name is not mentioned in the FIR and he has



been falsely implicated in this case based on the confession of the co-accused. Hence, would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that there are totally 11 accused in this case and the petitioner is arrayed as A5 and the main accused/A1 has been detained under Goondas. He would further submit that A11 is absconding but admits that A8 has been granted bail and the petitioner has no previous cases and the other accused are still in jail and that the investigation is almost completed.

5. Considering the fact that co-accused has been granted bail and the investigation is almost completed and also considering the age of the petitioner and the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner 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 Judicial Magistrate, Needamanglam, 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 daily 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;



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(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/-

31/01/2022

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 DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1 CC to M/S. S. MARISELVAM Advocate on payment of necessary charges SR.NO.1428

CRL OP.1910/2022

Date :31/01/2022

TA-01/02/2022