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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2539 of 2022

1. Rajkumar
2. Lokesh

...Petitioner/Accused 2 & 3

Vs.

State rep. by
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 bail, in the case pending investigation in Crime No.510 of 2021 on the file of the Respondent police.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioners who were arrested and remanded to judicial custody on 06.12.2021 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 was a wordy quarrel between the first petitioner and the deceased while participating in the chit which was held at Marchanchavadi near Iyyapan Temple. At that time, the deceased tried to attack the first accused and thereafter the first accused along with the co-accused attacked the deceased which lead to his death on the spot. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioners were only Ex-partner to a Finance business and they were not at all present at the place of occurrence and they have not



committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that they have been suffering incarceration for 60 days from 06.12.2021 and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that due to the dispute with regard to the real estate, petitioners assaulted the deceased and he further submitted that the investigation almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and the investigation was almost completed and there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner are 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 petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two months, until further orders ;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners shall not abscond either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned 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]; and;



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

-sd/-

04/02/2022

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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 MAGISTRATE - CUM - JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

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

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, SALEM.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.NO.1886

CRL OP.2539/2022

Date : 04/02/2022

INBA~14/02/2022