



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No. 3111 of 2022

Magarajan

... Petitioner / A-3

versus

The State rep by its
The Inspector of Police
Orathur Police Station,
Cuddalore.
(Crime No.416 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.416 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

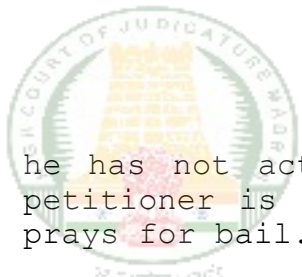
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.12.2021 for the offences punishable under Sections 294(b), 506(ii), 307 and 302 of IPC in Crime No.416 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused abused the de facto complainant in filthy language and by using Tractor, the petitioner hit behind the victim and due to the same, the victim died on the spot. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, during the time of occurrence, the petitioner only abused by the deceased, in otherwise,



he has not actively participated in the commission of offence. The petitioner is in judicial custody from 28.12.2021 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the other accused, who are all participated in the commission of offence were secured and all are in judicial custody. She would further submit that a portion of investigation has been completed.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 294 (b), 506(ii), 307 and 302 of IPC. The averments found in the First Information Report would disclose the fact that during the relevant point of time, the petitioner after shouting in the open place as necessary to kill the deceased, in otherwise, there was no overt act against this petitioner. After registering the FIR, the petitioner is in judicial custody from 28.12.2021.

6. Therefore, taking note of all the above said aspects into consideration, particularly being the reason that a portion of investigation has been completed and also there was no direct overt act against this petitioner. Further, the petitioner is in incarceration from 28.12.2021, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Portonovo;

(b) 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;

(c) the petitioner is directed to appear before the Trichy Samayapuram Police Station daily at 10.00 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) 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];

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

-sd/-

21/02/2022

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, PORTONOVO.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ORATHUR POLICE STATION,
CUDDALORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
TRICHY SAMAYAPURAM POLICE STATION, TRICHY.

+1 CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges SR.NO.2678

CRL OP.3111/2022

Date :21/02/2022

JPA 22/02/2022