



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3298 of 2022

1. Madhappan (A2)
2. Thimmappa (A3)
3. Muniyan (A4)

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
(Crime No.24 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioner on bail in Crime No.24 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.12.2021 for the offences punishable under Sections 302, 201 of IPC r/w 302 of IPC and Section 25(1B)(a), 25(1-A) and 27(1)(3) of Indian Arms Act, 1959 in Crime No.24 of 2021, on the file of the respondent police, seek bail.

2. The petitioners herein are A2 to A4. The case of the prosecution is that these petitioners and the deceased along with A1 [Nagaraj] went to the forest for hunting the wild pig with countrymade gun belongs to the deceased and A1 (Nagraj), thinking that there was a movement of wild animal, fired the shot and it hit the deceased and according to the petitioners, it was a pure accident and there is no intention to kill the deceased, as he is their friend. Hence the complaint.



3. The learned counsel for the petitioners submitted that these petitioners are innocent persons and they were not connected with the alleged offence. He would further submit that the petitioners are in judicial custody from 21.12.2021 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 main accused in this case i.e. Nagaraj [A1] has already been granted bail, also she admits that a portion of the investigation has been completed in this case.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case, as against these petitioners for the offence punishable under Sections 302, 201 of IPC r/w 302 of IPC and Section 25(1B)(a), 25(1-A) and 27(1)(3) of Indian Arms Act, 1959. The petitioners' names are not found in the FIR. It is alleged that during the time of occurrence, one Nagaraj, by using countrymade gun, shot at the bush, without knowing that the deceased was at the backside of the bush. This Court, by order dated 06.05.2021, in CrI.O.P.No.8511 of 2021, granted bail to the said Nagaraj. Hence, apparently, there is no prima facie case as against these petitioners for the offence under Sections 302, 201 of IPC r/w 302 of IPC and Section 25(1B)(a), 25(1-A) and 27(1)(3) of Indian Arms Act, 1959. As of now, the petitioners are in incarceration from 21.12.2021. Further, a portion of the investigation has already been completed.

7. Therefore, taking note of the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, these petitioners are ordered to be released on bail subject to the following conditions;

(i) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Learned District Munsif cum Judicial Magistrate, Denkanikottai.

(ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

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

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



(v) 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].

-sd/-
11/02/2022

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, DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3298/2022

Date :11/02/2022

JPA 14/02/2022