



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4616 of 2022

Balaji

... Petitioner /  
Accused

versus

State rep. by  
The Sub-Inspector of Police  
Mallur Police Station,  
Salem District.  
(Crime No:460 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 pending investigation in Crime No.460 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

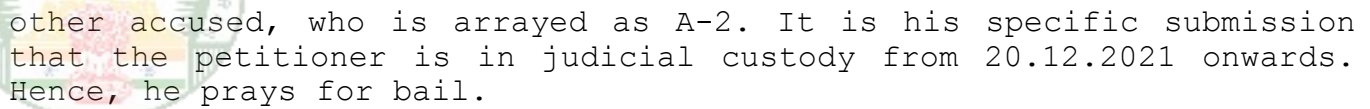
For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

#### O R D E R

The petitioner, who was arrested and remanded to judicial custody on 20.12.2021 for the offences punishable under Sections 147, 148, 302, 307, 323, 324 of IPC and subsequently altered into Sections 147, 148, 302, 307, 323, 324 and 120(b) of IPC in Crime No.460 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 attacked the de facto complainant by using knife. 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, in the alleged FIR, nothing has been stated against this petitioner. Further, he has been arrested only based upon the confession statement given by the



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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 147, 148, 302, 307, 323, 324 of IPC and subsequently altered into Sections 147, 148, 302, 307, 323, 324 and 120(b) of IPC. The averments found in the First Information Report would disclose the fact that, for the murder committed in the year 2020, the group arranged on the side of the petitioner, in order to take vengeance, attacked the deceased and committed murder. Though the number of persons participated and attacked the de facto complainant was clearly mentioned in the First Information Report, in respect of the present petitioner, nothing has stated. Further, the petitioner is the first time offender, who is aged about 20 years and he is in judicial custody from 20.12.2021 onwards.

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioner is in incarceration from 20.12.2021 onwards, 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 Judicial Magistrate No.VI, Salem;

(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 Sivakasi Town 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/-

25/02/2022

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 JUDICIAL MAGISTRATE,  
NO.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

4 THE SUB INSPECTOR OF POLICE,  
MALLUR POLICE STATION,  
SALEM DISTRICT.

5 THE INSPECTOR OF POLICE/  
STATION HOUSE OFFICER,  
SIVAKASI TOWN POLICE STATION,  
SALEM.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary  
charges SR.NO. 2997

CRL OP.4616/2022

Date :25/02/2022

RW 28/02/2022