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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7025 OF 2022

1.Ramkarmohar
2.Bijay Orang
3.Biren Urange

...Petitioners/A1 to A3

-Vs-

State rep by
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

...Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the Hon'ble Principal Session Judge, Krishnagiri, to entertain the unnumbered bail application of the petitioners in Crl.M.P.No. of 2022 returned on 08.03.2022 in Crime No.28 of 2022 on the file of the Inspector of Police, Mathigiri Police Station, Krishnagiri District without insisting for the photo identity card.

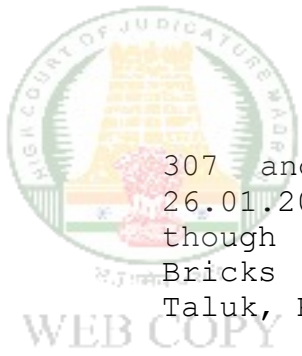
For Petitioners : Mr.V.Rajamohan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to direct the Principal Sessions Judge, Krishnagiri, to entertain the unnumbered bail application of the petitioners in Crl.M.P.No.---of 2022 returned on 08.03.2022 in Crime No.28 of 2022 on the file of the Inspector of Police, Mathigiri Police Station, Krishnagiri District.

2.The learned counsel for the petitioners would submit that the petitioners are accused in Crime No.28 of 2022 registered by the respondent for the offences under Section 294(b), 323, 324,



307 and 201 of IPC. The petitioner's were arrested on 26.01.2022 and they are in custody till date. The petitioners though natives of Assam State are presently employed at MTB Bricks at Kappakal Village, Nakondapalli Post, Denkanikottai Taluk, Krishnagiri District and they are residing in Tamil Nadu.

3. The petitioners have filed bail application through through counsel enclosing the copy of the identity card available with them. The Sessions Court had returned the bail application stating that the copy of the identity card furnished along with the bail application is not clear.

4. The learned counsel would further submit that the petitioners are now in confinement and the counsel are unable to secure a clear copy and file it along with bail application. He would submit that the petitioners are not compulsorily required to produce the copy of the identity card to file the bail application. The criminal rules of practice insisted for filing of identity card of sureties only. The Sessions Court cannot return the bail application insisting for production of identity proof. Thereby, he would seek to direct the Principal Sessions Judge, Krishnagiri to entertain the bail application without insisting for the clear copy of the identity card.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are residents of State of Assam and thereby the learned Judge had directed them to produce the clear copy of the identity proof.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the material available on records.

7. The learned Sessions Judge had returned the bail application with the following endorsement :- "Clear copy of accused I.D. proof (Aadhar card) to be filed. Hence this petition is returned".

8. In the opinion of this Court, the production of identity proof is not necessary for numbering the bail application. Further, the accused are in jail and they cannot be insisted to produce clear copy of the Aadhar card at the moment and it will only cause delay. Further, the criminal rules of practice does not insist for production of identity card of the petitioners at the time of filing bail application.

9. In view of the above, this Criminal Original Petition is ordered by setting aside the docket order of the learned Sessions Judge dated 08.03.2022. The petitioners are at liberty



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to file fresh bail application and the learned Principal Sessions Judge is directed to number the bail application without insisting for copies of the identity card (Aadhar card).

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Principal Session Judge, Krishnagiri,
2. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Rajamohan, Advocate, S.R.No.21532

Cr1.O.P.No.7025 of 2022

RSI (CO)
RLP (31/03/2022)