



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8554 of 2022

M.Kantharaj

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
(Crime No.539 of 2017)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.539 of 2017 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Ganesh Kumar

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

ORDER

The petitioner, who was arrested for the offences punishable under Section 302 of IPC in Crime No.539 of 2017, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 27.01.2022 in connection with the death of unidentified body found in a lake of Mankanahalli village in Karnataka, close to Tamilnadu border. The investigation has indicated that this petitioner along with the others have conspired and abducted one Srinivasan, killed him and thereafter, thrown his body in the lake. This petitioner was arrested after five years of the occurrence. For the past 75 days, he is in prison. His custodial interrogation is sought for and so far, the respondent has not completed the investigation and filed the final report.



3. Taking note of these facts, this Court is inclined to grant bail to this petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Hosur;

(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 respondent police twice daily at 10.30 a.m. and 05.30 p.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/-
13/04/2022

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.II, HOSUR.



2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges SR.NO.5624

CRL OP.8554/2022

Date :13/04/2022

JPA 13/04/2022