



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11581 of 2022

NAGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.

[RESPONDENT]

THE INSPECTOR OF POLICE
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.72/2022)

For Petitioner : M/S. V.PAARTHIBAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.03.2022 for the offence under Section 302 of IPC in Crime No.72 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the complainant and his half blood brother along with the another accused person attacked the petitioner in the year 2020 and caused serious injuries which resulted in an F.I.R being registered in Crime No.409 of 2020 for the offence under Section 307 of I.P.C. This incident developed into a previous enmity between the accused persons in this case and the deceased and his half blood brother. As a result of the same, on 28.02.2022, A1 and A2 attacked the deceased with Aruval and as a result of the same, he died. The petitioner has been arrayed as A3 based on the confession statement recorded from A1.

3.The learned Government Advocate (criminal side) submitted that there are totally four accused persons in this case and the petitioner has been arrayed as A3. The learned counsel further



submitted that there was a previous enmity between the parties and the deceased was attacked with Aruval by A1 and A2 and based on the confession given by A1, the petitioner has been added as A3 in this case. The learned counsel further submitted that A4 is still absconding and he is yet to be secured. Therefore, the learned Government Advocate sought for the dismissal of this petition.

4. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. It was further submitted that absolutely no overtact has been attributed against the petitioner and the petitioner has already suffered incarceration for nearly 73 days. It was further submitted that there are no previous cases against the petitioner and that the petitioner will cooperate for the investigation and will comply with any conditions imposed by this Court.

5. In the present case, the petitioner has been added as accused based on the confession said to have been given by A1. It is the case of the prosecution that the deceased was attacked with Aruval by A1 and A2. The petitioner has already suffered incarceration for nearly 73 days and the respondent police is not able to file the final report, since A4 is yet to be secured. That apart, there are no previous cases against the petitioner. Earlier, the bail petition filed by the petitioner was dismissed as withdrawn on 11.04.2022 and the said petition was not dismissed by considering the merits of the case. Hence, this Court is inclined to enlarge the petitioner on bail subject to imposing stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur, and on further conditions that:-

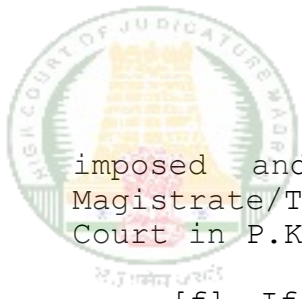
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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/-

18/05/2022

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 DISTRICT [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S V.PAARTHIBAN Advocate on payment of necessary charges SR.No.7137

CRL OP.11581/2022

Date :18/05/2022

CSK 18/05/2022