



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10042 of 2022

Govindaraj

.. Petitioner

Vs.

State Rep by,
The Inspector of Police,
Barur Police Station,
Krishnagiri District.
(Crime No.20 of 2022)

.. Respondent

(*)PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No.20 of 2022 pending on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

O R D E R

The petitioner, who was arrested for the offences punishable under Sections 147, 148, 307 of IPC altered into Sections 147, 148 and 302 of IPC, in Crime No.20 of 2022, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.It is a case where one Nareshkumar was done to death by gang of 12 persons led by his own wife. This has occurred since the deceased questioned his wife Sasikala for having illicit affair with one Govindaraj, who is the petitioner herein. The deceased was admitted in the hospital after being brutally attacked by the gang and he has given statement naming the persons who had attacked him and cause for attacking him, the complainant has not mentioned the name of this petitioner but, however in his statement which is now been treated as dying declaration . It is specifically said that affair of this petitioner with his wife has caused this incident.



4. The learned Additional Public Prosecutor states that five of the accused are still absconding and release of the petitioner will tamper the investigation further. Hence, she opposed for grant of bail to the petitioner.

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5. Considering the fact that admittedly, this petitioner was not presented at the scene of occurrence, though he may be the cause of trigger to the incident and further incarceration of this petitioner may not be required, hence, this Court is inclined to grant bail to the petitioner with a condition that the petitioner shall stay at Salem until further orders.

6. 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 District Magistrate cum Judicial Magistrate, Pochampalli;

(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 shall report before Salem Fair Land Police Station daily at 10.30 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/-

28/04/2022

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.



(*) CORRECTED COPY TO BE SUBSTITUTED FOR THE ORDER ALREADY DESPATCHED
ON 29/04/2022

TO

WEB COPY

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
BARUR POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE OFFICER INCHARGE,
SALEM FAIR LAND POLICE STATION,
SALEM

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

CRL OP.10042/2022

Date :28/04/2022

RVR 28/04/2022

RVR 05/05/2022