



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE A. A. NAKKIRAN

Crl.O.P.No. 13747 of 2022

Rambabu Rao

... Petitioner

Versus

The State;
Represented by its Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District,
[Crime No. 41 of 2017]

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the Petitioner/Accused on bail Crime No. 41 of 2017 on the file of Inspector of Police, Uddanapalli Police Station, Krishnagiri District.

For Petitioner : Mr.P. Asaithambi
For Mr.S. Varanesh(DATED 20/06/2022)
M/S LIMBA RUBINI (DATED 24/06/2022)

For Respondent : Mr. S. Balaji
Government Advocate (Crl. Side)

O R D E R

The petitioner was arrested and remanded to judicial custody on 10.04.2022 for the alleged offence punishable under Section 302 IPC r/w. 25 (1A) Arms Act, in Crime No.41 of 2017 on the file of the respondent police seeks bail.

2.The case of the prosecution is that, the occurrence took place in the year 2017. the petitioner had shot the deceased using his country made gun. Hence the complaint.

3.Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He added that the respondent police have foisted this false case against the petitioner after five years for statistical purpose. The learned counsel also submits that the petitioner is in judicial custody for 70 days and hence prays for grant of bail to the petitioner.



4.Learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner had shot the deceased to death by using his country made gun. He would further state that the occurrence originally took place in the year 2017 and F.I.R. also came to be registered in the year 2017. The petitioner/accused was in Judicial custody from 10.04.2022. He added that the property has been recovered from the accused. The investigation is in crucial stage and confession statement has been recorded. He would further submit that 8 witnesses have been examined so far and ballistic report is yet to be received. Therefore, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the facts of the case and also the fact that the petitioner has incarceration for 70 days and part of the investigation is over, this Court is this Court is inclined to grant bail to the petitioner herein. 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 for a like sum to the satisfaction of the learned (*) **Judicial Magistrate - NO.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 report before the respondent police once in a week i.e., on Sunday at 10.30 a.m. for a period of eight weeks;

(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/-

20/06/2022

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.

**(*) AMENDED AS PER ORDER OF THIS COURT
DATED 24/06/2022 MADE IN CRL.MP.NO.8016/2022**

TO

**1 (*) Judicial Magistrate - II,
Hosur.**

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE-II, HOSUR

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

4 THE INSPECTOR OF POLICE
UDDANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI

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

CRL OP.13747/2022

Date :20/06/2022

RVR 21/06/2022

RVR 24/06/2022