



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13554 of 2022

WEB COPY

1.Balu
2.Kumaran

.. Petitioners/A1 & 2

Vs.

State rep. by its,
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District
crime No.357 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.357 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.04.2022 for the offence punishable under Section 302 of IPC in crime No.357 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that when the deceased and the petitioners, who were friends, consumed alcohol, there was a quarrel between them. At that time, the petitioners attacked the deceased with wooden log, by which the deceased became unconscious. Thereafter, the petitioners after tying the legs and hands of the deceased by using wires, threw his body into the nearby water body. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that on information given by the Village Administrative Officer, the present F.I.R. has been registered. He would further submit that the respondent final report and the same is pending for committal in PRC.No.15 of 2022 on the file of the Judicial Magistrate Court No.II at Kancheepuram. However, he vehemently opposed to grant bail to the petitioners.

5. It is seen that the respondent filed final report and the same is pending for committal in PRC.No.15 of 2022 on the file of the Judicial Magistrate Court No.II at Kancheepuram.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of arrest, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II at Kanchipuram 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 petitioners shall report before the Judicial Magistrate Court No.II at Kancheepuram daily at 10.30 a.m. and 05.30 p.m. until further orders till the completion of committal proceedings, and thereafter report before the trial court daily at 10.30 a.m. and 05.30 p.m. until further orders

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/06/2022

WEB COPY

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, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, CHENGALPET

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.8902

CRL OP.13554/2022

Date :13/06/2022

JPA 13/06/2022