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Crl.O.P.No.16410 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

Crl.O.P.No.16410 of 2022

Rajkumar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Perugavazhathan Police Station,
Tiruvarur District.
Crime No.442 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.442
of 2021 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.D.Lakshmipathy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.11.2021 for the offences punishable under Section **174 of Cr.P.C and the same was subsequently altered into Sections 302 and 109 of IPC** in crime No.442 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.11.2021 at about 10.00.a.m., the petitioners along with other accused murdered the sister of the defacto complainant's father. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 11.11.2021. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was detained under goondas. Hence, he vehemently opposed



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for grant of bail to the petitioner.

5. Considering that the detention order was passed by this Court and considering the facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 11.11.2021, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Mannargudi** 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 twice daily at 10.30 a.m., and 04.30.p.m., until further orders;



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

[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 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.

15.07.2022

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To

1. Judicial Magistrate No.II,
Mannargudi.



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2. The Inspector of Police,
Perugavazhanthan Police Station,
Tiruvarur District.

3. Central Prison,
Trichy.

4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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