



Crl.O.P.No.21199 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21199 of 2022

Barath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kalavai Police Station,
Ranipet District.

(Crime No.116 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.116 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.P.Anbazhagan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2022, for the offences punishable under Section 302 IPC, in Crime No.116 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.07.2022, due to the intra party dispute, the petitioner along with other accused waylaid the de-facto complainant and in order to commit murder on him, attacked him with aruval and other deadly weapons indiscriminately, due to which he died. Hence, the complaint.

3. The learned counsel appearing for the petitioner is an innocent person aged about 20 years and since, he happens to be the friend of the other accused, he has been wrongly implicated in this case and he has nothing to do with the alleged offence. He would further submit that the petitioner is in custody from 17.07.2022 and there is no bad antecedents against the petitioner. He would also submit that the petitioner undertakes to furnish blood



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sureties and he prepared to comply with any stringent conditions imposed by the Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused committed murder of the victim by cutting him indiscriminately with deadly weapons. He would further submit that the petitioner is arrayed as A3 and the other accused 1, 2 and 4 are detained under Act 14. He would also submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the main accused in this case have been detained under Act 14 and also considering the age of the petitioner and there is no previous case against him, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Arcot**, 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;



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[b] the petitioner shall stay at Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, everyday at 10.30 a.m. and 05.30p.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The District Munsif cum Judicial Magistrate,
Arcot.
2. The Inspector of Police,
Kalavai Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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