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Crl.OP.No.24515 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24515 of 2022

Harish Kumar @ Areshkumar

... Petitioner

Vs.

State: Inspector of Police,
Berigai Police Station,
Krishnagiri District.
(Crime No.92/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.92 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Section 302 of IPC in Crime No.92 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 23.07.2022, the petitioner along with other accused committed murder of the husband of the defacto complainant due to enmity by using stone and wooden log. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he is nothing to do with the alleged offence and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that due to previous enmity, the Petitioner and other accused attacked the deceased with wooden logs and stones and murdered him. Hence, he vehemently opposed to grant bail to the Petitioner.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the period of incarceration suffered by the petitioner and considering the submission made by the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Denkanikottai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or



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Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the Inspector of Police, Berigai Police Station, daily at 10.00 a.m., until further orders;

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

1. The learned District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Berigai Police Station, Krishnagiri District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

SATHI KUMAR SUKUMARA KURUP,J.



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