



Crl.O.P.No.31955 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31955 of 2022

Shanmugam,
S/o.Sagadevan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri Dt.
(Crime No.436 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.436 of 2022 pending on the file of respondent police.

For Petitioner : Mr.A.Saranraj
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



WEB COPY



Crl.O.P.No.31955 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022 for the alleged offence under Sections 302 I.P.C. in Crime No.436 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to a land dispute, the petitioner along with other accused attacked the deceased person by using deadly weapons and inflicted grievous injury and committed the alleged offence. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence and A2 and A3 were already granted bail. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the



Crl.O.P.No.31955 of 2022

petitioner has been suffering incarceration for more than 43 days from 09.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are four accused and the petitioner is arrayed as A1. He would submit that due to land dispute between the parties, which aggravated to the death of deceased He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



Crl.O.P.No.31955 of 2022

WEB COPY

Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Krishnagiri**, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months ;

(c) the petitioner shall not commit any offences of similar nature;

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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can



Crl.O.P.No.31955 of 2022

WEB COPY

be registered under Section 229A IPC.

23.12.2022

rpp

To

1. The Judicial Magistrate No.I, Krishnagiri.
2. Inspector of Police,
Kaveripattinam Police Station, Krishnagiri Dt.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.31955 of 2022

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No.31955 of 2022

23.12.2022