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CrI.O.P.No.11607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11607 of 2023

S.Nagaraj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleasing to enlarge the petitioner herein on bail in Crime No.153 of 2023, on
the file of the Inspector of Police, Kaveripattinam Police Station, Krishnagiri
District.

For Petitioner : Mr.A.D.Janarthanan

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2023, in connection with Crime No.153 of 2023 registered for the offence punishable under Sections 341, 302 and 506(2) of IPC, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on the date of occurrence i.e., on 21.03.2023, the petitioner along with two other accused assaulted one Jegan, who is the son of the de-facto complainant, as a result of which, Jegan died on the spot. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 23.03.2023. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent conditions that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent submitted that there are totally three accused in this case and the petitioner is arrayed as A2. He further submitted that there are totally 3 witnesses in this case and all of them have been examined. He also submitted that the petitioner along with other accused have attacked the deceased person by using lethal weapon. Hence, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that all the witnesses have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner executes a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[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 daily at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with the evidence or witnesses 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 is released on bail by the learned Magistrate/Trial Court, 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 Judicial Magistrate-I,
Krishnagiri.
- 2.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
- 3.The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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