

Crl.O.P.No.8039 of 2016**K.KALYANASUNDARAM, J.**

The petitioners were arrested and remanded to judicial custody on 10.03.2016 and 22.03.2016 respectively; for the alleged offences punishable under sections 147, 148, 307 IPC and 27 Arms Act read with Section 3 of Explosive Substances Act 1908 altered into Sections 147, 148, 307 IPC and 120(B) and 27 Arms Act read with 3 of Explosive Substances Act 1908, in Crime No.75 of 2016 on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that there are two groups operating in Salem, one lead by Silambarasan and another group by Chelladurai. Silambarasan group has murdered one Vijayakumar belonging to Chelladurai group, for which a case has been registered against the said Silambarasan. While so, one Neppolian who belongs to Silambarasan group was murdered by Chelladurai group. The petitioners in Crl.O.P.Nos. 6085 & 6087 of 2016, who are a practising Lawyer had conspired with Silambarasan group and instigated them to murder Chelladurai and also paid a sum of Rs.50,000/- to the first accused. In pursuance of the conspiracy, Silambarasan group threw bomb against Chelladurai group on 22.02.2016, which resulted in registration of the cases.

3. The learned counsel appearing for the petitioners would submit that the co-accused have already been granted bail and anticipatory bail by this Court in CrI.O.P.Nos. 6085 & 6087 of 2016 respectively; on 21.03.2016 and CrI.O.P.No. 6814 of 2016 on 30.03.2016 and the petitioners are an innocent person and they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent vehemently opposed the bail petition stating that one Vijayan was murdered by the rival group and due to the reason, the accused conspired together to eliminate the rival group and in pursuance of the conspiracy, one Sakthivel, who is the son of Selvi, was presented in the scene of occurrence and Selvi and Janaki are the conspirator for commission of offence. It is further submitted that the first petitioner is having 15 previous cases.

5. Learned counsel appearing for the petitioners seeks permission of this Court to not press this petition in respect of the first petitioner and he has also made an endorsement to that effect.

6. In view of the endorsement made by the learned counsel appearing for the petitioners, this Petition is dismissed as not pressed in respect of the first petitioner.

7. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail on his executing a personal 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 Judicial Magistrate Court-III, Salem and on further condition that the second petitioner shall stay at Erode and report before Erode Town Police Station, daily at 10.00 a.m., until further orders.

12.04.2016

vsg

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