

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL ORIGINAL PETITION No.12797 of 2018

1 YOGESH,
2 VEERAMANI,

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE, VELLORE POST,
VELLORE DISTRICT.
CR.NO.167 OF 2017

[RESPONDENT]

For Petitioner : M/S.M.SATHISH KUMAR Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 13.03.2018 for the offences punishable under Sections 302, 216, 120[B] IPC in Crime No.167/2017 on the file of the respondent police, seek bail.

2. Heard both sides.

3. The case of the prosecution is that on 23.05.2017, a male dead body was found near Konavattam Subway Bridge and that pending investigation, the accused/petitioners who are arrayed as A12 and A13, surrendered before the learned Judicial Magistrate, Tirupathur on 13.03.2018 and were remanded to judicial custody on the same day.

4. The learned counsel for the petitioner contend that the prime accused have already been enlarged on bail by the learned Principal Sessions Judge, Vellore. According to the learned counsel, the petitioners are no way connected with the concerned offence.

5. Per contra, the learned Government Advocate [Crl.Side] contended that three cases, viz., [1]Cr.185/2018 for the offence 394 IPC on the file of Virunjipuram Police Station ; [2]Cr.No.273/2016 for the offences u/s.294[B], 323, 394, 395, 397, 506[ii] IPC on the file of Sathuvachari Police Station ; and [3] Cr.No.230/2016 for the

offences u/s.147 and 302 IPC on the file of Avalur Police Station, are pending against both the petitioners and strongly objected for enlarging the petitioners on bail.

6. The petitioners are in judicial custody from 13.03.2018 and that theco-accused who are said to be the prime accused have already been enlarged on bail and most part of the investigation should have been concluded by now. In the facts and circumstances of the present case, I am inclined to grant bail to the petitioners subject to the following conditions:

7. The petitioners are ordered to be released on bail on each of them 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 Judicial Magistrate No.1, Vellore and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner s 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE, VELLORE POST,
VELLORE DISTRICT.

+1 CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary
charges-Sr.9183

CRL OP.12797/2018

Date :16/05/2018

ths : 16.05.2018