

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.12945 of 2018

1 ANBUSELVAN,
2 CLOTHKUMAR,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DHALLY POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.49/2018

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR. T.SHANMUGARAJESWARAN, 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 17.03.2018 for the offences punishable under Section 302 IPC in Crime No.49/2018 on the file of the respondent police, seek bail.

2. Heard both sides.

3. The case of the prosecution is that the deceased Vanaraj received a sum of Rs.10,000/- from the 1st petitioner [A-1] for securing a job for him. However, the deceased could not secure a job for A-1 and therefore, the petitioners along with the other accused, took the deceased in a car and A-1 slashed the throat of the deceased with a knife and A-2 assaulted him with an iron rod.

4. The learned counsel for the petitioner contend that the co-accused / A-3 has already been enlarged on bail by this Court on 24.04.2018 in Crl.OP.No.11576/2018.

5. The learned Government Advocate [Crl.Side] did not raise any serious objection.

6. The petitioners / A-1 and A-2 have been in judicial custody for more than 57 days 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, Udumalpet and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m and 5.30 p.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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DHALLY POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges-Sr.9178

CRL OP.12945/2018

Date :16/05/2018

ths : 16.05.2018