

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.13324 of 2018

1 S.VELMURUGAN [PETITIONERS / ACCUSED]
2 NEPOLIEN
3 S.SAGEETHKUMAR
4 K.SHEENU

Vs

THE STATE REP.BY ITS [RESPONDENT]
SRIPERUMBUDHUR POLICE STATION,
SRIPERUMBUDHUR, KANCHIPURAM DISTRICT.
CR.NO.136/2018

For Petitioner : M/S.C.SAMADHARMA ARASU Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate
O/O PUBLIC PROSECUTOR

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 07.03.2018 for the offences punishable under Sections 109, 147, 148, 294[b], 354, 302, 120[b] IPC in Crime No.136/2018 on the file of the respondent police, seek bail.

2. Heard both sides.

3.Totally, there are 10 accused in the present case and the petitioners are arrayed as A1, A3, A5 and A6. The case of the prosecution is that A-1 was assaulted by the deceased, two months prior to the occurrence and in order to wreck vengeance, the 1st accused/1st petitioner along with the other accused, committed murder of the deceased.

4.The learned counsel for the petitioners submitted that he is not pressing the petition in respect of the 1st petitioner / A-1 and he has also made an endorsement in the petition to that effect.

5.Hence, the petition **in respect of the 1st petitioner/A-1** is **dismissed as withdrawn.**

6.The learned counsel appearing for petitioners 2 to 4 contended that the petitioners 2 to 4 have been falsely implicated in the case and that they are innocent. It is his further submission that the co-accused, viz., A-5 was enlarged on bail by this Court on 24.04.2018 in CrI.OP.No.12027/2018 and prays for enlargement of petitioners 2 to 4.

7.Per contra, the learned Government Advocate [CrI.Side] strongly opposed this petition by stating that the above petitioners assisted A-1 in committing the murder.

8.The petitioners 2 to 4 / A3, A5 & A6 are in judicial custody from 07.03.2018 onwards and most part of the investigation should have been concluded by now. Furthermore, the co-accused/A-5 was enlarged on bail by this Court on 24.04.2018 in CrI.OP.No.12027/2018. In the facts and circumstances of the present case, I am inclined to grant bail to the petitioners 2 to 4 subject to the following conditions:

9.The **petitioners 2 to 4** 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 District Munsif cum Judicial Magistrate, Sriperumbudur and on further condition that:

[a] the **petitioners 2 to 4** shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[b] the **petitioners 2 to 4** shall not abscond either during investigation or trial.

[c] the **petitioners 2 to 4** 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 2 to 4** in accordance with law as if the conditions have been imposed and the **petitioners 2 to 4** 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SRIPERUMBUDHUR POLICE STATION,
SRIPERUMBUDHUR, KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.C.SAMADHARMA ARASU Advocate on payment of necessary
charges Sr.9179

CRL OP.13324/2018

Date :16/05/2018

rvr 16/05/2018