

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 Nos.13580 & 13581 of 2018

1 RAJA [PETITIONES IN CRL.O.P.No.13580/18]

2 PATHMANABAN

UMAPATHY [PETITIONES IN CRL.O.P.No.13581/18]

Vs

THE STATE REP. BY, [RESPONDENT IN BOTH THE PETITIONS]

INSPECTOR OF POLICE,

PONNAI POLICE STAION,

VELLORE DISTRICT.

CR.NO. 9/2018.respectively

For Petitioner : M/S.D.BALAJI Advocate(IN BOTH THE PETITIONS)

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate
O/O PUBLIC PROSECUTOR(IN BOTH THE PETITIONS)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.OP.No.13580/2018 are arrayed as A1 and A2 and the petitioner in Crl.OP.No.13581/2018 is arrayed as A-5 out of 6 accused and they were arrested and remanded to judicial custody on 25.03.2018 for the offences punishable under Sections 364, 302, 201, 120[B] IPC in Crime No.9/2018 on the file of the respondent police and they seek bail.

2. Heard both sides.

3.The case of the prosecution is that the son of the defacto complainant, viz., one Balaji, was found missing on 23.12.2017 and that during investigation, it came to light that since the son of the complainant had misbehaved with the wife of A-1 and also with the other women folk in the village, the petitioners along with other accused, conspired and murdered the deceased Balaji and had also thrown away the body of the deceased in a lake within the limits of the State of Karnataka. Hence, an FIR in Cr.No.401/2017 was registered by Avalahally Police Station, Bengaluru District, State of Karnataka. Thereafter, the Inspector of Police, Ponnai Police Station, took up the case for investigation.

4.The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the case and that they are innocent. It is also his submission that co-accused, have already been enlarged on bail by this Court on 28.04.2018 in Crl.OP.No.12344/2018.

5.Per contra, the learned Government Advocate [Crl.Side] contended that though the investigation is pending with the respondent police, they have not yet received the entire documents/case diary in respect of Cr.No.401/2017 from Avalahally Police Station, Bengaluru District, State of Karnataka.

6.It is pertinent to mention that some of the co-accused have been enlarged on bail by this Court on 28.04.2018 in Crl.OP.No.12344/2018. The petitioners herein were remanded to judicial custody on 25.03.2018 and that, 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, Walajapet, Vellore District 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 petitioners 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, WALAJAPET, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PONNAI POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE @ VELLORE DISTRICT.

+2 CC to M/S.D.BALAJI Advocate on payment of necessary charges
Sr.Nos.9199 & 9200

CRL OP.Nos.13580 & 13581/2018

Date :16/05/2018

rvr 16/05/2018