

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14818 of 2018

S.ANBU,

[PETITIONER / ACCUSED]

Vs

STATE, REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.
CR.NO.94/2018

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.94 of 2018 registered by the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 302 of IPC.

2. The case of the prosecution as per the *de facto* complainant Hari is that on 01.05.2018, due to a dispute and enmity regarding installation of a party flag post, the petitioner (A1) along with A2 his brother and A3 to A6 who are his sons, committed the murder of one Aravind.

3. The learned counsel for the petitioner would submit that due to previous animosity and enmity, the petitioner and the entire family members of the petitioner have been falsely implicated in this case. He would submit that the petitioner was arrested on 01.05.2018 and remanded to judicial custody on 02.05.2018. He would further submit that A3 was also arrested on the same day and other accused have surrendered before the Court. He would submit that even as per the FIR, the petitioners are stated to have assaulted the victim with wooden sticks. He would also submit that the victim was taken to a nearby hospital and thereafter, he was referred to Dharmapuri Government Hospital, where he has been declared brought dead.

4. The learned Additional Public Prosecutor would submit that due to political rivalry, the petitioner instigated his sons and brother

to assault the brother of the *defacto* complainant named Aravind, due to which, he succumbed to the injuries on the same day. He would submit that investigation is in the midway.

5. Taking into consideration the facts of the case and taking note of the fact that the petitioner has been in custody since 02.05.2018, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his 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-I, Thirupathur, and on further condition that:

[a] the petitioner shall stay at Chennai and report before the Flower Bazaar Police Station daily at 10.30.a.m. and 5.30.p.m., until further orders.

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

[c] the petitioner 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 petitioner 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/-

08/06/2018

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.1, THIRUPATHUR.

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,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

6 THE OFFICER INCHARGE
FLOWER BAZAAR POLICE STATION,
CHENNAI.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges-Sr.10294

CRL OP.14818/2018

Date :08/06/2018

ths : 08.06.2018