

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION NOS.15536 & 17617 of 2018

RAJAVEL @ RAJA

[PETITIONER / ACCUSED

IN CRL.OP.NO.15536 OF 2018]

E.ALAMELU

[PETITIONER / ACCUSED

IN CRL.OP.NO.17617 OF 2018]

Vs

THE STATE OF TAMILNADU,
THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI,
VILLUPURAM DISTRICT,
CR.NO.318 OF 2018.

[RESPONDENT

IN BOTH THE PETITIONS]

For Petitioner : M/S.K.SELVARAJ Advocate
[IN CRL.OP.NO.15536 OF 2018]

For Petitioner : M/S.R.GANESH KUMAR Advocate
[IN CRL.OP.NO.17617 OF 2018]

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

For Intervenor : M/S.C.S.SARAVANAN Advocate
[IN CRL.OP.NO.17617 OF 2018]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. In both the petitions, the petitioners/A3 and A4, who were arrested on 30.04.2018 for the alleged offence punishable under Sections 294(b), 302, 506(ii) of I.P.C in Crime No.318 of 2018 on the file of the respondent police, seek bail.

3. Mr. C.S.Saravanan, learned counsel appearing for intervenor has submitted that he has filed an application. But, it appears that the same was not put up. However, since he has already filed the intervening petition in Crl.M.P.No.9439 of 2018 in the earlier application in Crl.O.P.No.17617 of 2018, he prayed to permit him to make his submissions.

4. The petitioner in CrI.O.P.No.15536 of 2018 is A4 and the petitioner in CrI.O.P.No.17617 of 2018 by A3.

5. The learned counsel for the petitioners in CrI.O.P.No.15536 of 2018 would submit that except the confession of the co-accused A1, there is no other material available on record and as against A7, the Sessions Judge, Villupuram has already granted bail and hence, seeks bail.

6. The learned counsel for the petitioner in CrI.O.P.No.17617 of 2018 has submitted that petitioner is A3 and his earlier bail application was dismissed on 21.06.2018 on the ground that the C.D records stationed at Indian Bank in Bank wherein, the petitioner was collected and sent to Forensic Department. Since the substantial part of investigation is over and in respect of the accused and he is in custody since 01.05.2018, for about 80 days, he seeks bail.

7. The learned counsel for the intervenor would contend that immediately preceding the occurrence, A3 is alleged to have acquired new SIM and that was seized by the police and to be sent after Forensic Department. The learned Public Prosecutor (crl.side) has submitted that the CD is already been submitted to the Forensic Department, Chennai.

8. The learned Public Prosecutor (Crl.side) has submitted that on an earlier round, the bail application for A3 was dismissed and some more witnesses are to be examined and if these petitioners are enlarged on bail, they may abscond or may not be available for trial.

9. After going through the papers and also the orders passed by me on 21.06.2018, based upon the complaint given by the defacto-complainant, criminal law was set into motion and A1, A2 and A3 have been arrested and there are 7 adult accused and A8 Manikandan was a Juvenile and separate procedure has been followed for him. As against the petitioners herein who are A3 and A4, according to the prosecution, as per the written objection filed by him, A4/petitioner colluded with other accused and to murder the deceased. Based upon the confession statement given by co-accused, it appears that he was also taken into custody and according to the prosecution, A3 is the daughter born to one V.K.Elaiyalwar.

10. Taking into the consideration of the submission of all concerned and also taking note of the fact that the incident has taken place in May 2018 and substantial part of investigation is over and almost for more than 80 days, these accused are in custody, I am inclined to grant bail in respect of A3 and A4 and accordingly, it is ordered that the petitioners / A-3 and A4 shall be released on bail, upon the following conditions:-

(i) The petitioner (A3) should stay in Vellore District and sign before the learned Judicial Magistrate-I, Vellore at 10.30 a.m and 5.30.p.m daily and the other petitioner is to stay in Sivagangai District and sign before the learned Judicial Magistrate-I, Sivagangai at 10.30 a.m and 5.30 p.m daily.

(ii) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, and one surety should be a blood relative each for a likesum to the satisfaction of the learned Judicial Magistrate-I, Kallakurichi.

(iii) the petitioners shall not tamper with evidence or witness during trial.

(iv) the petitioners shall not abscond during trial

(v) on breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]

(vi) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C.

-sd/-
17/07/2018

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, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

4 THE JUDICIAL MAGISTRATE,
NO.I, SIVAGANGAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON, CUDDALORE.

7 THE SUPERINTENDENT,
CENTRAL PRISON, VILLUPURAM.

8 THE INSPECTOR OF POLICE
KALLAKURICHI POLICE STATION,
KALLAKURICHI,
VILLUPURAM DISTRICT,

+1CC to M/S.K.SELVARAJ Advocate on payment of necessary charges
SR NO.13175

+1CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges SR NO.13182

CRL OP.15536 & 17617 OF 2018

Date :17/07/2018

MK:17/07/2018