

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.12866 of 2019

1 ALAGESAN

[PETITIONERS / ACCUSED]

2 VICKY @ VICKNESH,

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

CHENGALPATTU TALUK POLICE STATION,

KANCHEEPURAM DISTRICT.

(CRIME NO.136 OF 2019)

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR.C.RAGHAVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 3, who were arrested and remanded to judicial custody on 26.03.2019 for the offence punishable under Sections 294(b), 324, 363, and 302 of IPC, in Crime No.136 of 2019, on the file of the respondent police, seek bail.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this bail petition insofar as the 1st petitioner is concerned and hence, this Criminal Original petition is dismissed as not pressed insofar as the 1st petitioner is concerned and it is entertained only insofar as the 2nd petitioner /A3 is concerned.

3. The case of the prosecution is that one Hemalatha and the defacto complainant's brother were in love with each other and the victim, namely, Surya made arrangements for their marriage, due to which the petitioner along with co-accused kidnapped the victim viz., Suriya and committed murder. Hence, this case has been registered. The second petitioner is arrayed as A3.

4. The learned counsel for the petitioner has submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence. The learned counsel further submitted that as per the FIR, the second petitioner/A3 has not attacked the deceased and he only watched the movement of the public.

<http://www.e-services.gov.in/hscs/eas> further submitted that the second petitioner has

already suffered incarceration for more than 58 days and hence, he prays to grant bail to the second petitioner.

5. Per contra, the learned Government Advocate (Crl.side) has submitted that one Hemalatha and brother of the defacto complainant were in love with each other and eloped. Due to the said enmity on 24.03.2019 at about 10.15 p.m., the second petitioner and three others attacked the deceased with deadly weapons and committed murder. He further submitted that based on the confession given by the co-accused, the second petitioner has been arrested. He also submitted that the investigation is still pending and hence, he strongly opposed to grant bail to the second petitioner.

6. Taking into consideration of the fact that as per the FIR, the second petitioner/A3 has not attacked the deceased and he only watched the movement of the public and also the fact that he is in judicial custody from 26.03.2019, this court is inclined to grant bail to the second petitioner by imposing certain conditions.

7. Accordingly, the second petitioner/Accused No.3 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 Judicial Magistrate No.II, Chengalpattu, and on further condition that:

[a] the second petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

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

[c] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/-

22/05/2019

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.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENALPATTU[FOR INFORMATION]

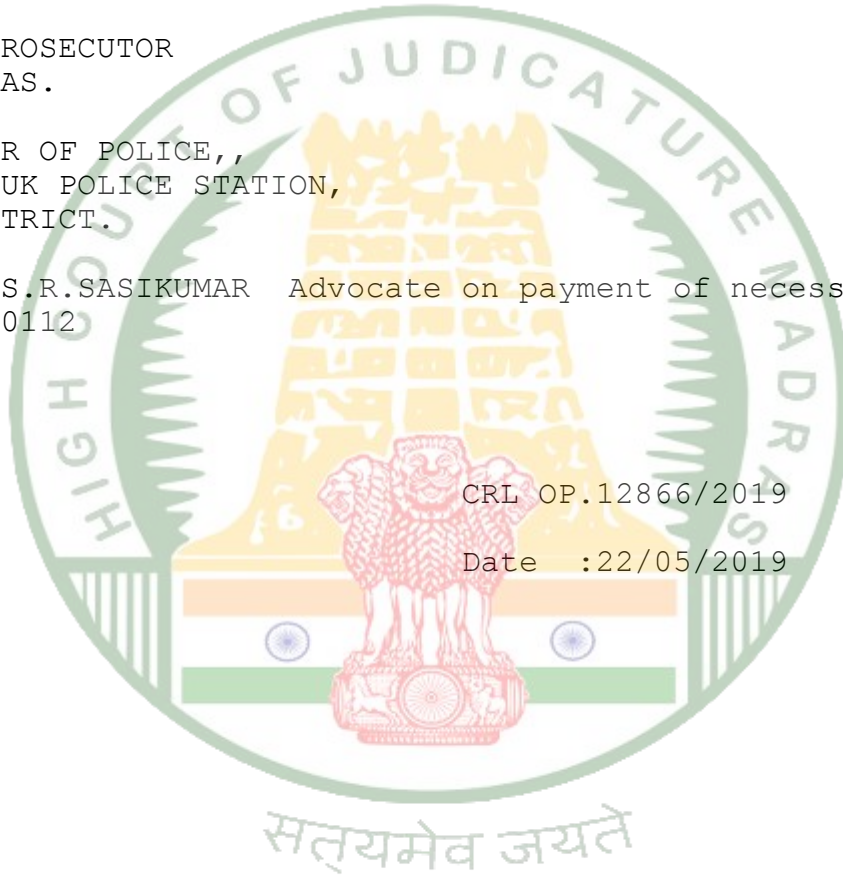
3 THE OFFICER IN CHARGE
DISTRICT JAIL,CHENAGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,,
CHENGALPATTU TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO. 10112

RD 22/05/2019



CRL OP.12866/2019

Date :22/05/2019

WEB COPY