



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

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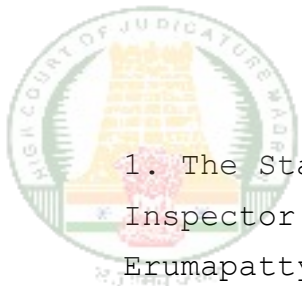
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAYAN

Crl.O.P.No.7174, 7298, 7322, 7372 of 2020

Eswaran	... Petitioner/ Accused No.5 in Crl.O.P No.7174 of 2020
Dharun Kumar @ Dharun Kannan	...Petitioners/Accused 8 & 7 in Crl.O.P No.7298 of 2020
Ramya	..Petitioner/Accused No.2 in Crl.O.P No.7322 of 2020
Saravanan	.. Petitioner/Accused No.1 in Crl.O.P Nos.7372 of 2020

Vs.

1. State rep. by The Inspector of Police Tiruppur North Police Station Tiruppur District (Crime No.Not Known of 2018)	..Respondents 1 & 2 in Crl.O.P No.7174 of 2020
2.The Deputy Superintendent of Police CBCID-Organized Crime Unit Salem, Salem District. (2 nd respondent was impleaded as per the order of this Court dated 07.08.2020 in Crl.M.P. No.4713 of 2020)	



1. The State rep. By
Inspector of Police,
Erumapatty Police Station,
Namakkal District.
(Crime No.44 of 2020)

... Respondents 1 & 2 in
Crl.O.P No.7298 of 2020

2. The Deputy Superintendent of Police
CBCID Organized Crime Unit
Salem Unit, Salem.
(2nd respondent was impleaded as per
the order of this Court dated 06.08.2020
in Crl.M.P No.4617 of 2020)

State rep. by ... Respondent in
The Deputy Superintendent of Police Crl.O.P No.7322 of 2020
CBCID, OCU, Salem
Salem District
in Cr.No.44 of 2020
(Amended as per order of this Court dated 07.08.2020 in Crl.M.P
No.4675 of 2020)

State rep. by ..Respondent in
The Deputy Superintendent of Police Crl.O.P No.7372 of 2020
CBCID, OCU, Salem Unit, Salem
Salem District
in Cr.No.44 of 2020
(Amended as per order of this Court
dated 06.08.2020 in Crl.M.P
No.4674 of 2020)

Common Prayer: Criminal Original Petitions filed under Section 439
Cr.P.C. to enlarge the petitioners herein on Bail in Crime No.44
of 2020 pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi
in Crl.O.P 7174 of 2020

For Petitioners 1 & 2 in : Mr.P.Vimal Raj
Crl.O.P No.7298 of 2020



Petitioner in : Mr.L.Baskaran

Crl.O.P Nos.7322 & 7372 of 2020

WEB COPY

For Respondent in : Mr.S.Karthikeyan

Additional Public Prosecutor

All Crl.O.Ps.

COMMON ORDER

The petitioner in Crl.O.P No.7174 of 2020 has been arrayed as accused No.5, who was arrested and remanded to judicial custody on 09.03.2020, the petitioners 1 & 2 in Crl.O.P No.7298 of 2020 have been arrayed as accused Nos.8 & 7, who were arrested and remanded to judicial custody on 12.03.2020, the petitioner in Crl.O.P No.7322 of 2020 has been arrayed as accused No.2, who was arrested 04.03.2020 and remanded to judicial custody on 05.03.2020, the petitioner in Crl.O.P No.7372 of 2020 has been arrayed as accused No.I, who was arrested on 04.03.2020 and remanded to judicial custody on 05.03.2020 for the offence punishable under Sections 147, 148, 341, 302, 120(B), 201 of IPC in Crime No.44 of 2020 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 01.03.2020, brother of the deceased and brother's wife, who are the accused Nos.1 and 2, approached the deceased and had heated argument with him in respect of the property dispute within the family. The same was witnessed by the servant of the deceased, who is the de-facto complainant herein. In the heated arguments, the accused Nos.1 and 2 attacked the victim with stones and swiftly five persons arrived the spot and they had taken the victim in their car and admitted in a Hospital. Thereafter, the accused Nos.1 & 2 had informed that the victim died and taken the body of the deceased to the house in Alaganatham for funeral ceremony. The death of the deceased is not a natural one as he was attacked by the accused persons. Hence, this complaint.

3. The learned counsel appearing for the fifth accused would submit that there was a property dispute between the accused Nos.1 & 2 and the deceased. Further, the wife of the deceased is having an illegal intimacy with the third accused and the petitioner / A5 is only a friend of the third accused. Two weeks prior to the occurrence, the petitioner was taking care of his father, who was admitted in a hospital and he died on the date of occurrence. Therefore, he was not present at the scene of occurrence as alleged by the prosecution.

4. The learned counsel appearing for the accused 7 and 8 would submit that the petitioners/ A7 & A8 are innocent persons and they have not committed any offence and based upon the statement of the co-accused, the respondent police falsely implicated the petitioners name in the present case.



5. The learned counsel appearing for the accused 1 and 2 would submit that there was only a wordy quarrel and the petitioners/ A1 & A2 have nothing to do with the allegations as alleged by the prosecution. Furthermore, they were arrested long back and they are incarcerated in imprisonment without committing any fault.

6. The learned Additional Public Prosecutor submitted that this Court, by an order dated 28.05.2020 in CrI.O.P No.7670 of 2020 transferred the investigation from the file of the respondent to the Deputy Superintendent of Police, CBCID, Organised Crime Unit, Salem. Though the investigation has been transferred to the file of the Deputy Superintendent of Police, CBCID, Organised Crime Unit, Salem and the bundles has been received, investigation is yet to be completed. As directed by this Court, the petitioners have been regularly appearing before the respondent daily at 10.30 a.m and 5.30 p.m for interrogation.

7. Taking into consideration the facts and circumstances of the case and considering the period of incarceration by the petitioners, interim bail already granted to the petitioners by this Court on 14.05.2020, is made absolute on the following conditions;

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only) with two blood related sureties**, each for a like sum to the satisfaction of the **Learned Judicial Magistrate No.I, Namakkal, Namakkal District**, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the Deputy Superintendent of Police, CBCID, Organised Unit, Salem, Salem District daily at 10.30 a.m and 5.30 p.m until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. With the above directions, this Criminal Original Petition is ordered.

-sd/-

22/07/2020

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,
NAMAKKAL, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
ORGANISED CRIME UNIT,
CBCID, SALEM UNIT, SALEM

6 THE INSPECTOR OF POLICE
TIRUPPUR NORTH POLICE STATION
TIRUPPUR DISTRICT

7 THE INSPECTOR OF POLICE,
ERUMAPATTY POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges

Cr1.O.P.No.7174, 7298, 7322, 7372 of 2020

Date :22/07/2020

TA-23/09/2020