

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9961 of 2020

Alva @ Arokkiyameri

... Petitioner

/versus/

The Inspector of Police,
Vellore South L&O Police Station,
Vellore District.
Crime No.305 of 2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused No.6 pending investigation in Crime No.305 of 2020 on the file of Respondent Police.

For petitioner : Mr.S.Senthilvel

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.04.2020 for the alleged offences punishable under Sections 147, 148, 341 and 302 IPC @ 114, 144, 147, 148, 302, 34, 341 of IPC in Crime No.305 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim Udaya Kumar is a married man. He had eloped with the sister of A1. Enraged by that, A1 along with his relatives had gone to the place of occurrence, waylaid the victim and committed murder of the deceased by repeatedly assaulting him with deadly weapons. The allegation against the petitioner is that she had accompanied the other accused carrying the deadly weapons so as to avoid suspicion.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that she has been falsely implicated in this case. He would submit that the petitioner is the maternal aunt of the first accused. He would also add that the deceased is a married man and he had eloped with the sister of A1 and had taken her away. Enraged by that, A1 along with his relatives had gone to the place of occurrence and assaulted him, which resulted in

his death. Since the petitioner is an relative of the first accused, she is also implicated in this case. He would also submit that the petitioner has been implicated only based on the statement recorded from the other accused. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner is the maternal aunt of A1 and that the victim, who is a married man, had eloped with the sister of A1. Enraged by that, A1 along with his relatives had committed the murder of the deceased. He would also submit that the investigation is pending.

5.Considering the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Vellore, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall stay at Krishnagiri and report before the the Town Police Station, Krishnagiri, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional area of the respondent police station until further orders.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f)the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

02/07/2020

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 PRINCIPAL SESSIONS JUDGE,
VELLORE

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VELLORE SOUTH L AND O POLICE STATION,
VELLORE DISTRICT,

5 THE OFFICER INCHARGE
TOWN POLICE STATION, KRISHNAGIRI

CC to M/S.D.BALAJI Advocate on payment of necessary charges

CRL OP.9961/2020

Date :02/07/2020

RD 18/08/2020