

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM :

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

Crl.O.P.No.10316 of 2020

1.Vetrivel ... Petitioners
2.Jagethesan

Vs.

State Rep. By ... Respondent
Inspector of Police
Modakurichi Police Station
Erode District
(Crime No.210 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.210 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.M.Guruprasad

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.05.2020 for the offence punishable under Sections 147, 302 and 201 IPC, in Crime No.210 of 2020, seek bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused persons have assaulted the deceased with stones and hands. After the death of the deceased, they have thrown the dead body into the well.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that mere reading of the F.I.R. would show that this is a fabricated case. The alleged occurrence took place on 16.05.2020 and the complaint has been given only on 18.05.2020 after the body was recovered from the well.

4.The learned Government Advocate (Crl. Side) would submit that there was previous enmity between the accused persons and the

husband of the defacto complainant for the past 9 years, due to which, on 16.05.2020 at about 10.45 hours, the accused persons have assaulted the defacto complainant's husband with stones and hands, resulting in the death of the deceased. Thereafter, the accused persons have taken the body of the deceased and thrown it in the well, the body was recovered after two days and the complaint was given only after recovery of the body.

5.Taking into consideration of the facts and circumstances, and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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

(b) the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Erode, 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 petitioners shall report before the Erode Town Police daily at 10.30 a.m. It is made clear that the petitioners shall not enter the jurisdiction limit of Modakurichi Police Station until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(i) 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/-
09/07/2020

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.II,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MODAKURICHI POLICE STATION,
ERODE DISTRICT.

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

CRL OP.10316/2020

Date :09/07/2020

MN-CS-12/08/2020