

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2020

CORAM :

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

Crl.O.P.No.10541 of 2020

Iyappan

... Petitioner

Vs.

State rep. by its
The Inspector of Police
Panruti Police Station
Cuddalore District
(Crime No.346 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.346 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Senthil Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.04.2020 for the offences punishable under Section 147, 148, 324, 307, and 302 IPC, in Crime No.346 of 2020, seeks bail.

2.The case of the prosecution is that due to intra party political dispute between the members of the group belonging to the defacto complainant group and the accused group, the accused persons on 14.04.2020 at about 23.30 hours, committed the murder of one Balaji and Manikandan belonging to the rival group. The respondent police registered a case based on the complaint given by the relative of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that there was rivalry enmity between two groups in the same party and since the petitioner belongs to the rival group, the de-facto complainant in order to wreck vengeance, had given a false complaint against the petitioner with a political motive. He would further submit that the co-accused No.14 was granted bail by the learned Principal District Sessions Judge in Cr.M.P.No.24 of 2020 and the other accused No.12, 15, 16, 17, 18, 19, 20, 21 and 22 were granted bail by this Court

vide order dated 19.06.2020 in Crl.O.P.Nos.9053/2020, 8307/2020,

8309/2020, 8557/2020 and CrI.O.P.No.9568 of 2020 dated 26.06.2020. He would further submit that the petitioner is suffering incarceration from 19.04.2020.

4.The learned Government Advocate (Criminal Side) would submit that due to intra party dispute between members of the same political party, the petitioner along with other accused had committed the double murder. There are totally 22 accused in this case, out of which 20 accused are named accused in the FIR. He would further submit that bail has been granted to the co-accused by this Court vide order dated 19.06.2020 in CrI.O.P.Nos.9053, 8307, 8309 and 8557 of 2020. The specific overt act against this petitioner is that he has inflicted injury with machetes on the left leg of one of the deceased.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, the petitioner is suffering incarceration for more than 86 days and the co-accused in this case have also been granted bail, 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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.I, Panruti, Cuddalore District, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 Trichy and report before the Trichy Cantonment Police Station daily at 10.30 a.m. until further orders.

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

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

(g) the petitioner 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 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];

(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/-

16/07/2020

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, PANRUTI, CUDDALORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT,

4 THE SUPERINTENDENT,
CENTRAL PRISON,CUDALLORE.

5 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION,
TRICHY

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

CRL OP.10541/2020

Date :16/07/2020

RVR 04/09/2020