

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.10648 of 2020

Lokesh

... Petitioner

Vs.

State rep. by the
Inspector of Police
Nemili Taluk Police Station
Vellore District
(Crime No.251 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.251 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Manivelan

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 25.05.2020 for the offences punishable under Section 147, 148, 294(b), 324 and 302 IPC, in Crime No.251 of 2020, seeks bail.

2. The case of the prosecution is that on 23.05.2020 the defacto complainant's nephew Kumar informed him over phone that his son Bharathidasan was found dead near the rice mill at Kilvenkatapuram. Based on the complaint given by the defacto complainant, a case in Crime No.251 of 2020 was registered under Section 302 IPC. During the course of investigation, the fact came to the light that the petitioner along with other accused had committed the murder of the deceased.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case since the petitioner happens to be the friend of the main accused Nos.1 and 3, who have been detained under Act 14. Major part of the investigation is over. The petitioner is A4 and the specific overt act alleged against him is that he attacked the deceased along with the other accused. The learned counsel for the petitioner would further submit that the deceased happened to be a notorious element

and a close associate of one Kanchipuram Sridhar and the deceased has got so many enemies other than the present accused persons. He would further submit that there are no previous cases against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner joined along with the other accused and committed the murder of the son of the defacto complainant. He would further submit that the main accused A1 and A3 have been detained under the Act 14. This petitioner has no previous case.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and also taking note of the fact that the petitioner is in incarceration from 25.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(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), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Principal District and Sessions Judge, Vellore, 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 report before the respondent police every day at 10.30 a.m. for a period of four weeks and thereafter, every Monday 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

(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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
NEMILI TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

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

CRL OP.10648/2020

Date :16/07/2020

RVR 04/09/2020

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