

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12170 of 2020

1.Venkatesan  
S/o.Lakshmanan

2.Manigandan  
S/o.Elumalai

... petitioners

Vs.

The State Rep. by  
The Inspector of Police  
Vadavanakkambadi Police Station  
Vadavanakkambadi  
Tiruvannamalai District  
(Crime No.1071 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1071 of 2020 pending on the file of the Respondent police.

For Petitioners : Mr.B.Jawahar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 22.06.2020 for the offences punishable under Section 174 Cr.P.C. @ Section 302 and 396 IPC, Crime No.1141 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant one Kumar, Son of Vadivel, is that his father Vadivel was murdered and 38 sheep belonging to him which were kept in the pen were found missing. Originally a case was registered for the offences under Section 174 Cr.P.C. and during the course of investigation, it came to light that six accused have joined together and committed the murder of the defacto complainant's father Vadivel and have committed the theft of 38 sheep from the pen.

3.The learned counsel appearing for the petitioners would submit that the petitioners were arrested on 22.06.2020 on suspicion and they were remanded to judicial custody. He would further submit that

even as per the confession recorded from the main accused, it is clearly stated that the four accused have committed the murder of the said Vadivel who was in the farm and thereafter they committed the theft of the sheep. Later only they called the petitioners who are the owners of the Ashok Leyland Mini Door vehicles for transportation of the sheep. The petitioners were arrested on the way. He would further submit that reading of the confession statement would show that the petitioners were not aware of the pre-planned murder committed by other accused. They were only called for transportation of the sheep, other than that, they have nothing to do with the said offence. He would further submit that the petitioners are in custody from 22.06.2020, for more than 60 days. He would further submit that the petitioners are prepared to abide by any stringent conditions and even ready to furnish sureties.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners are the owners of the mini lorry. The other accused pre-planned and committed the murder of the father of the defacto complainant one Vadivel who was rearing sheep in the field and thereafter transported the stolen sheep in the vehicles of these petitioners. He would further submit that the investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also taking into consideration of the fact that the petitioners were used only for transportation of the stolen sheep and also considering the period of incarceration, 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 condition to execute separate bonds for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a likesum to the satisfaction of the Judicial Magistrate Court, Vandavasi, and on further conditions that;

(b) 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;

(c) the petitioners on their release from prison, shall report before the respondent police everyday at 10:30 a.m. and 5.30 p.m. until further orders.

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

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

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

(g) 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];

(h) 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/-  
21/08/2020

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,  
VANDAVASI

2 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VADAVANAKKAMBADI POLICE STATION,  
VADAVANAKKAMBADI ,  
TIRUVANNAMALAI DIST.

CC to B.JAWAHAR Advocate on payment of necessary charges

WEB COPY

CRL OP.12170/2020

Date :21/08/2020

RD 04/09/2020