

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 12940 & 12913 of 2020

Vel @ Jayvel

... Petitioner/6th Accused
in Crl.O.P.No.12940/2020

Moorthy

... Petitioner/Accused
in Crl.O.P.No.12913/2020
Vs.

The State represented by,
The Inspector of Police,
Indur Police Station,
Dharmapuri District.
(Crime No.1108 of 2020)

... Respondent/Complainant
in Crl.O.P.No.12940/2020

The State represented by,
The Inspector of Police,
E-5 Indur Police Station,
Indur, Dharmapuri District.
Tami Nadu - 636803.

... Respondent/Complainant
in Crl.O.P.No.12913/2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to
enlarge the petitioners on bail in Crime No.1108 of 2020, pending on
the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyas
in Crl.O.P.No.12940/2020
: Mr.V.Balakrishnan
in Crl.O.P.No.12913/2020

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

O R D E R

(The case has been heard through video conference)

The petitioner viz., Vel @ Jayvel, who was arrested and remanded
to judicial custody on 04.08.2020 and the petitioner viz., Moorthy,
who was arrested and remanded to judicial custody on 29.07.2020, for
the offence punishable under Section 306 of IPC in Crime No. 1108 of
2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Arun kumar is that his father/deceased sold 44 cent of his land to one Sella Muthu and A1 had purchased the same land from the said Sella Muthu on 06.06.2007. Thereafter, A1 had executed a Sale Deed but A1 had intentionally mentioned 87 cents of land in the document. Later, the deceased came to know about fact and requested A1 to return the land but A1 had refused the same and he along with other accused have abused him and abetted him to commit suicide. Due to which, the father of the defacto complainant has committed suicide by hanging.

3 Mr.M.Mohamed Riyas, learned counsel appearing for the petitioner would submit that, the petitioner is only a real estate broker, who has arranged the deal between the deceased and first accused and other than that he had not committed any offence. He would submit that after having sold the property, the victim has committed suicide as if he had only intended to sell part of the land. He would submit that the petitioner was arrested on 03.08.2020. Hence, he prays to grant bail to the petitioner in Crl.O.P.No.12940/2020.

4 Mr.V.Balakrishnan, learned counsel appearing for the petitioner would submit that the petitioner is non-other than the brother of A1, who has purchased the property and that the petitioner is no way connected with the said offences. He would submit that even as per the FIR there is no allegations against the petitioner that he had abetted the father of the petitioner to commit suicide. Hence, he prays to grant bail to the petitioner in Crl.O.P.No.12913/2020.

5 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the accused has wrongly mentioned 87 cents instead of 47 cents in the sale deed and thereby, had cheated the deceased and when the deceased had asked for correction in the sale deed, the petitioners have abused him, due to which, he had committed suicide by hanging.

6 Heard both sides and perused the material placed on record.

7 Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the petitioner in Crl.O.P.No.12940/2020 is in jail from 04.08.2020 and the petitioner in Crl.O.P.No.12913/2020 is in jail from 29.07.2020, 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), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioners shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or whichever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Dharmapuri, 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 respondent police everyday at 10.30 a.m., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8 With the above directions, these Criminal Original Petitions are ordered.

-sd/-

28/08/2020

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,
NO.II, DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI

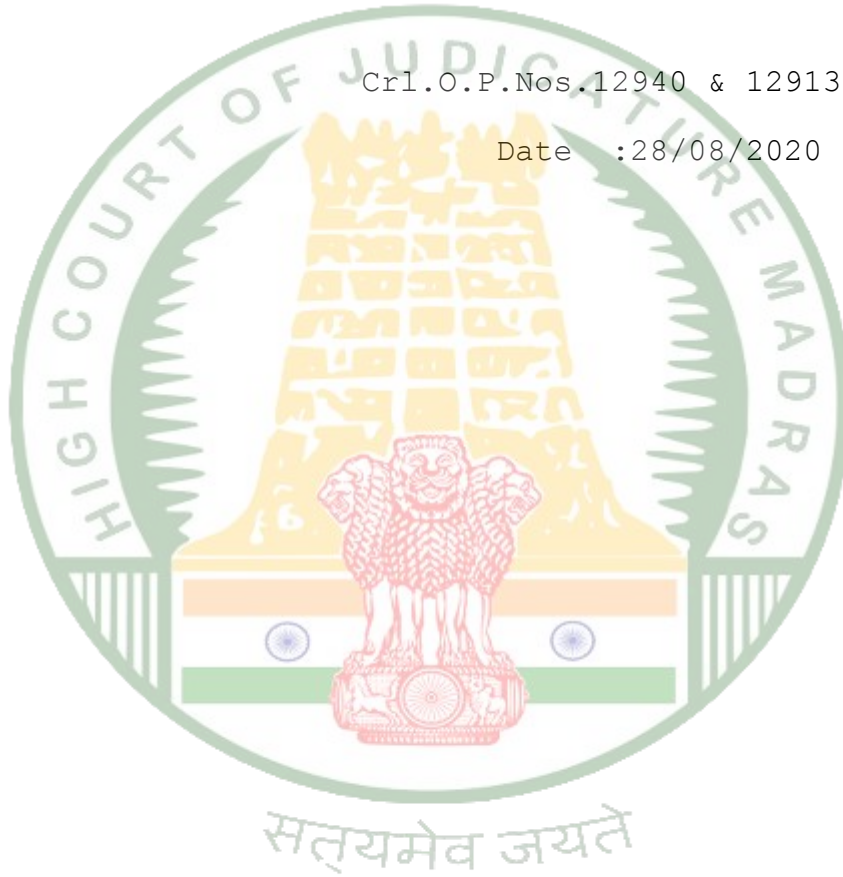
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

Crl.O.P.Nos.12940 & 12913 of 2020

Date :28/08/2020

RVR 08/09/2020



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