

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17200 of 2020

K.Vicky @ Vignesh

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
G.1, Madurantakam Police Station,
Chengalpattu District.
(Crime No.1701 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1701 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Sam Nandhakumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.08.2020 for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC @ U/s. 147, 148, 341, 294(b), 324, 506(ii) & 302 of IPC r/w 120 (b) of IPC in Crime No.1701 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant one Vignesh is that he is the friend of one Karthi @ Dora Karthi. On 16.08.2020, said Karthi @ Dora Karthi had come to see the *de facto* complainant. At that time, he had contacted one Sabari and demanded an amount of Rs.2,000/- as loan. The said Sabari had asked him to come and wait near SSLF City and that the *de facto* complainant came there along with Karthi @ Dora Karthi and informed Sabari, for which, he told him that he will come. While they were waiting there, around 9.15 p.m, the accused Simen along with other accused had come there by two wheeler and started assaulting the said Karthi@ Dora Karthi and the *de facto* complainant and that the *de facto* complainant fearing danger to his life and escaped from the scene of

occurrence and later, the accused had committed murder of Karthi @ Dora Karthi. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since he happens to be the friend of one Simen. He would submit that the name of the petitioner does not find place in the FIR and he has been implicated in this case only based on the confession of Simen and other accused. He would submit that Simen has been detained pursuant to the order passed by the RDO and other accused have also been arrested. He would further submit that apart from this case, the petitioner has no other case and that the petitioner is prepared to abide by any stringent condition that may be imposed on him.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner and the *de facto* complainant belong to two rival gangs selling Ganja and due to previous enmity in selling of Ganja, the petitioner along with other accused committed murder of Karthi @ Dora Karthi. He would submit that as far as this petitioner is concerned, there is one previous case for the offence under Sections 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and that the petitioner is a History Sheeter having HS.No.8 of 2020 and hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial magistrate, Madurantagam, 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 petitioner, on his release from prison, shall stay at Madurai and report before the Thallakulam Police Station everyday at 10.30 a.m and 5.30.p.m until further orders.

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

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

(f) the petitioner 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 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];

(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/-
09/11/2020

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,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
G.1, MADURANTAKAM POLICE STATION,
CHENGALPATTU DISTRICT

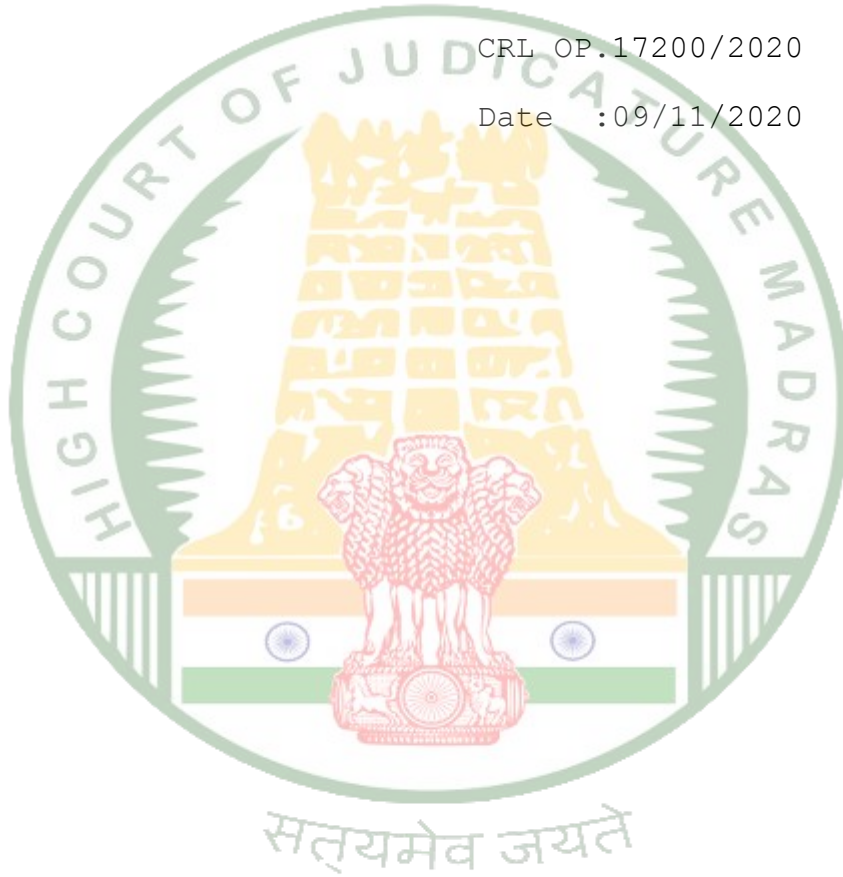
6 THE OFFICER INCHARGE,
THALLAKULAM POLICE STATION,
MADURAI.

+1CC to M/S.D.SAM NANDHAKUMAR Advocate on payment of
necessary charges SR NO.7424

CRL OP.17200/2020

Date :09/11/2020

MK:10/11/2020



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