

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.558 of 2021

G.Vignesh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.352 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.352 of 2018 pending investigation on the file of the Respondent.

For Petitioner : Mr. N.Saravana Kumar

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offences punishable under Sections 420, 365, 364(A), 324, 506(ii) of IPC r/w Section 109 of IPC, in Crime No.352 of 2018, seeks bail.

2. There are totally ten accused in this case and the petitioner is A6. The case of the prosecution is that originally, a complaint has been given by the de-facto complainant alleging that her husband Sridharan was found missing. Subsequently, during investigation, it came to light that A1 and A2 believing that treasures are in the land, they had approached the victim to conduct pooja and take the treasures. For that, the victim received Rs.1.5 lakhs from A1 and A2. Further, it is alleged that the victim after conducting pooja gave a fake statue to them. Hence, all the accused are said to have kidnapped the husband of the de-facto complainant and attacked him demanding money and caused his death.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that A1 to A7, A8 and A10 have been arrested and enlarged on bail. He would further submit that the petitioner is in judicial custody since 11.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that A1 to A7, A8 and A10 have already been arrested and enlarged on bail.

5. Considering the above facts and circumstances and taking note of the fact that the petitioner is in judicial custody since 11.12.2020 and also the similarly placed co-accused have been enlarged on bail, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pochampalli, 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 report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(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/-
20/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S N.SARAVANA KUMAR Advocate on payment of necessary charges SR.No.568

सत्यमेव जयते

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Date :20/01/2021

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