

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1599 of 2021

Siva @ Sivan

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Jolarpettai Police Station,
Tirupattur District.
(Crime No. 617 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.617 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s. Karan and Uday

For Respondent : Mr.M. Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 25.11.2020 for the offence punishable under Sections 294(b) and 302 IPC in Crime No.617 of 2020, seeks bail.

2. Totally there are 3 accused and the petitioner is A1. The case of the prosecution is that the the deceased and the petitioner were in love with one Saraswathi, and subsequently, engagement took place between the deceased and the said Saraswathi. Due to which, the petitioner along with two other accused persons attacked the deceased with iron rod and caused grievous injuries, and thereby, caused his death. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence, and he has been falsely implicated in this case. The said Saraswathi has given a statement before the media stating that she had no love or connection with the petitioner. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was in love with one Saraswathi. Since the said Saraswathi got engaged with the deceased, the petitioner has decided to murder the deceased and the petitioner along with other accused assaulted the deceased with iron rod on his head and thereby, committed murder. She would further submit that no previous case is pending as against the petitioner and investigation in this case is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case, and the fact that investigation in this case is almost completed and also considering 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruppur, Vellore District, 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 shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station daily at 10.30 a.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/-
08/02/2021

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPATTUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
JOLARPETTAI POLICE STATION,
TIRUPATTUR.

5 THE OFFICER INCHARGE
SUB JAIL, VANIYAMBADI, VELLORE DISTRICT.

6 THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.

+1 CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges SR.NO.1280

CRL OP.1599/2021

Date :08/02/2021

TA-09/02/2021