

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.2102 of 2021

1. Gnanasoundari
2. Rani
3. Suresh

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No. 3262 of 2020) ... Respondent

PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.3262 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. V. Gopinath, Sr. Counsel
for Mr. B. Jawahar

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 06.12.2020 for the offences punishable under Sections 120(b), 147, 148, 294(b), 324, 307 and 302 of IPC in Crime No.3262 of 2020, seek bail.

2. Totally there are 18 accused and the petitioners are arrayed as A1 to A3 . The case of the prosecution is that the defacto complainant is the wife of the deceased Babu. Earlier, the deceased Babu is said to have murdered one Kanagaraj, who is the husband of A1. In retaliation, all the accused persons conspired together and committed murder of the deceased . Hence, a case has been registered.

3. The learned Senior counsel appearing for the petitioners would submit that the petitioners are no way connected with the occurrence and the deceased being a rowdy element has some other enmities and they only caused his death. Since there was a dispute between the petitioners and the deceased, they have been falsely implicated in this case. Now, investigation is almost completed and the petitioners are in jail for more than 70 days. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a retaliation murder. Earlier, husband of A1, namely Kanagaraj, was murdered by the deceased (Babu) in this case, in retaliation, all the accused conspired together and engaged hooligans and brutally attacked the deceased and murdered him. She would further submit that some of the accused were detained under Act 14/1982 and some of the accused are still absconding and investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. From a perusal of the records, it is seen that it is a case of retaliation murder. So far as these petitioners are concerned, they are wife and relatives of one Kanagaraj, who said to have murdered the defacto complainant's husband. Now, they said to have engaged other accused to murder the deceased and implicated with the aid of Section 120-B IPC.

6. Considering the said facts and circumstances of the case and the fact that no specific overtact attributed against the petitioners and investigation in this case is almost completed, and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners 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.1, Tiruvanamalai, 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 shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy daily at 10.30 a.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/-
22/02/2021

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,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI EAST POLICE STAATION,
THIRUVANNAMALAI DISTRICT.

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

+1CC to M/S.B.JAWAHAR Advocate on payment of necessary charges
SR NO.2074

CRL OP.2102/2021

Date :22/02/2021

MK:23/02/2021



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