

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2384 of 2021

1. Anchi
2. Selvam

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Jolarpet Police Station,
Vellore District.
(Crime No. 2 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.I.Periaswamy

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 02.01.2021 for the offence punishable under Sections 294(b), 341 and 302 IPC in Crime No.2 of 2021, seek bail.

2. Totally there are 6 accused and the petitioners are A4 and A5. The case of the prosecution is that there was civil dispute between A1 and the deceased. Due to the same, the petitioners conspired with other accused, waylaid the deceased and attacked him with dangerous weapon and committed murder.

3. The learned counsel for the petitioner would submit that admittedly, there is motive between A1 and deceased and even though overtact has been attributed as against the first petitioner/A4, he was not even present in the scene of occurrence. So far as the second petitioner is concerned, he has been implicated only with the aid of 120(b) IPC. He would further submit that some of the similarly placed accused were granted anticipatory bail and some of the accused were granted bail. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was previous enmity between A1 and the deceased, due to which, these petitioners conspired along with A1 to A4, and committed murder. She would further submit that some of the accused were granted anticipatory bail and some of the accused were granted bail. However, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that some of the co-accused, who are similarly placed persons, were granted anticipatory bail and some of them were granted bail 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 are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupattur, 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 report before the respondent police 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/-
08/03/2021

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, TIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.I.PERIASWAMY Advocate on payment of necessary charges SR.NO.2960

CRL OP.2384/2021

Date :08/03/2021

TA-09/03/2021

WEB COPY