

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3056 of 2021

Ramasamy

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Thandrapet Police Station,
Tiruvannamalai District.
(Crime No. 472 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.472 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr. V. Prakash Babu

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 04.12.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 324, 506(ii), and 302 IPC in Crime No.472 of 2019, seeks bail.

2. Totally there are 10 accused and the petitioner is A4. The case of the prosecution is that due to land dispute, all the accused persons waylaid the deceased and attacked him with dangerous weapon and committed murder. Hence, a case has been registered against them.

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. He would further submit that even as per the First Information Report, no overtact has been attributed as against this petitioner and this petitioner said to have assaulted one of the witness. He would further submit that except this petitioner, all the other accused were released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to some civil dispute, all the accused waylaid one Amarnath, who is the brother's son of the defacto complainant, and attacked him with dangerous weapon and caused his death and also caused serious injuries to some of the witnesses. She would further submit that A5 and A6 were granted anticipatory bail and A1 to A3 & A7 to A10 were arrested and released on bail. However, she opposed to grant bail to the petitioner.

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 all other the accused were arrested and released on bail 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 Principal District and Sessions Court, Tiruvannamalai, 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 report before the respondent police 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/-
18/02/2021

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 PRINCIPAL DISTRICT AND SESSIONS COURT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
THANDRAMPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. V.PRAKASH BABU Advocate on payment of necessary charges SR NO. 1820

CRL OP.3056/2021

Date :18/02/2021

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