

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 2508 of 2021

Vinothkumar

... Petitioner

Vs.

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

PRAYER : Criminal Original Petition is 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. A.Saravanan,

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 07.12.2020 for the offences punishable under Sections 120(b), 147, 148, 294(b), 324, 307 and 302 of IPC in Crime No.3262 of 2020, seeks bail.

2. Totally there are 18 accused and the petitioner is arrayed as A4. 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 counsel appearing for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case only on the confession of the co-accused because of the reason that the petitioner is the relative of the deceased kanagaraj and he is in jail for more than 70 days and he seeks bail to the petitioner.

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 petitioner is concerned, he is the relative of one Kanagaraj, who said to have murdered the defacto complainant's husband and he has been 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 petitioner and 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) two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, 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 petitioner 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 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/-
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.2,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT

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

+1CC to M/S.A.SARVANAN Advocate on payment of necessary charges
SR NO.2020

CRL OP.2508/2021

Date :22/02/2021

MK:23/02/2021