

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.2502 & 2505 of 2021

Manjunath ... Petitioner in Crl.O.P.2502/2021

Raman ... Petitioner in Crl.O.P.2505/2021

Vs.

The State Rep. by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No. 1085 of 2020)

... Respondent in both Crl.O.Ps

PRAYER in both petitions: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1085 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr E.Kannadasan,
in both Crl.O.Ps

For Respondent : Mrs.M. Prabhavathi,
in both Crl.O.Ps APP

O R D E R

(The case has been heard through video conference)

Petitioner, in both the petitions, were arrested and remanded to judicial custody on 22.12.2020 for the offences punishable under Sections 120(b), 341, 302 of IPC in Crime No.1085 of 2020, seeks bail.

2. Totally there are 3 accused and the petitioners are arrayed as A2 and A3. The case of the prosecution is that there was civil dispute between A1 and the deceased. That apart, earlier because of the complaint given by the deceased against A1, who was working in the Electricity Board, A1 was suspended from service. Due to the said previous enmities, A1 along with the other accused persons conspired together, way laid the deceased and attacked him with knife and committed murder. Hence, a case has been registered. The allegation against A2 is that he said to have given knife to A1 and using the same, A1 assaulted the deceased, and A3 in this case, said to have given money to A1 to murder the deceased.

3. The learned counsel appearing for the petitioner in both the petitions would submit that the petitioners are no way connected with the offence and they have been falsely implicated in this case and the petitioners have been implicated with the aid of Section 120(b) IPC. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the three accused conspired together and murdered the deceased. A2 has given a knife to A1 and using the same, A1 attacked the deceased and caused his death. She would further submit that investigation in this case is almost completed. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that the overtact attributed only against A1, and he only attacked the deceased with knife and the fact that these petitioners are implicated only with the aid of Section 120(b) of IPC 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, Hosur, 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 Vellore and report before the Inspector of Police, North Police Station, Vellore 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, these Criminal Original Petitions are 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, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, VELLORE

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

Cr1.O.P.Nos.2502 & 2505 of 2021

Date :22/02/2021

RVR 23/02/2021

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