

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2672 of 2021

1. Jothi
2. Manimegalai
3. Pavunu

... Petitioners

Vs.

State by
The Inspector of Police,
Moongilthuraipattu Police Station,
Villupuram Dt.
(Crime No.787 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.787 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.A.Gokulakrishnan
for M/s. G.K.Associates
For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioners are arrayed as A2 to A4. The petitioners, who were arrested and remanded to judicial custody on 09.01.2021 for the offence punishable under Sections 174 of I.P.C. altered to 420 and 306 of I.P.C. in Crime No.787 of 2020, on the file of respondent, seek bail.

2. The case of the prosecution is that the victim in this case is a member of Self Help Group and the petitioners including A1 are also members of the same group. A1 has received a sum of Rs.7 lakhs from the deceased and failed to repay the amount. When the deceased demanded money, she has refused to pay. Hence, she poured kerosene, set fire and committed suicide. Since the petitioners are also members of the same group, they were arrested and remanded to judicial custody on 09.01.2021 and now, they have filed this petition seeking for bail.

3. The learned counsel appearing for the petitioners submitted that the main allegation is only against A1 and now A1 was granted anticipatory bail. He would submit that these petitioners are members of the same group and hence, they have been falsely implicated as accused in this case. He would submit that they are innocent persons and they are in judicial custody for more than one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the allegation is that A1 has received the amount and cheated the members of self help group. She would submit that the petitioners have questioned A1 as the members of self help group. Hence, they were implicated as accused and they were arrested. Hence, she opposed to grant bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, the main allegation is only against A1 and A1 was granted anticipatory bail, there is no specific overtact attributed against these petitioners, and also considering the period of incarceration suffered by the petitioner from 09.01.2021, 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarapuram 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, on their release from prison, shall report before the respondent police as and when required for interrogation;

(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
<https://hcservices.ecourts.gov.in/hcservices/> 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
16/02/2021

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,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MOONGILTHURAIPATTU POLICE STATION,
VILLUPURAM DISTRICT

+1CC to M/S.G.K.ASSOCIATES Advocate on payment of necessary charges SR NO.1645

CRL OP.2672/2021

Date :16/02/2021

MK:17/02/2021

<https://hcservices.ecourts.gov.in/hcservices/>