



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2772 of 2021

1. Madhan @ Madhan Kumar ... Petitioners
2. Saravanan

Vs.

State rep by ... Respondent
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
Cr.No.1879 of 2020.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr. No.1879 of 2020 on the file of the respondent police.

For Petitioners : Mr. Swamisubramanian

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 17.12.2020 for the offence punishable under Section 302 of IPC, seek bail.

2. Totally, there are 7 accused and the petitioners are arrayed as A6 and A7. The case of the prosecution is that, the deceased borrowed money from A1 and thereafter, failed to repay the same. Due to the same, all the accused said to have attacked the deceased with dangerous weapon and caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the main overt act has been attributed only as against A1 to A5 and they were already released on bail. The name of this petitioners is not found place in the first information report. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent, would submit that due to money dispute, all the accused



attacked the deceased with dangerous weapon and caused his death. She would further submit that A1 to A5 already released on bail. However, she vehemently opposed to grant bail to the petitioners.

5. I have considered the submission made on either side and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case, and also the fact that no overt act has been attributed as against the petitioner and the main accused, namely, A1 to A5 were already released on bail and also taking note of 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.II, Tindivanam, 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.

WEB COPY

-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.II, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARAKKANAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.2955

CRL OP.2772/2021

Date :08/03/2021

TA-09/03/2021