

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3879 of 2021

Vengatesan

... Petitioner

Vs.

State rep by its  
The Inspector of Police,  
Alangayam Police Station,  
Vellore District.  
Cr.No.7 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.7 of 2021 on the file of the respondent police.

For Petitioner : Mr. R.Ramesh

For Respondent : Mrs.M. Prabhavathi,  
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 18.01.2020 for the offence punishable under Sections 302 and 201 of IPC in Crime No.7 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is A2. The case of the prosecution is that A1 in this case was having illicit intimacy with the deceased. This petitioner is also having intimacy with A1. The deceased was working at Coimbatore. He came to his native village for pongal festival. At that time, quarrel arose between the deceased and A1, in which, A1 said to have put a stone on the head of the deceased and caused his death. Thereafter, he called the petitioner and planned to dispose the body and the petitioner along with A1 and A3 taken the dead body of the deceased and threw it into a well. On the next day, the body was found floating and based on the complaint given by the Village Administrative Officer, initially a crime was registered under Section 174 Cr.P.C. and after investigation, altered into 302 & 201 of IPC, the petitioner was arrested on 18.01.2021.

3. The learned counsel for the petitioner would submit that the main overtact has been attributed only as against A1. A1 has murdered the deceased. The petitioner has helped A1 to dispose the body of the deceased. Hence, he has been implicated in this case with the aid of 201 IPC. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased is the paramour of A1, and there was dispute between them. Due to the same, A1 thrown a stone on the head of the deceased and committed murder and thereafter, this petitioner along with A3 have disposed the dead body of the deceased. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that the main overtact has been attributed only against A1 and she only said to have murdered the deceased and this petitioner has been implicated with the aid of 201 IPC 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 Judicial Magistrate-3, Tirupattur, 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 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.

-sd/-

26/02/2021

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.3, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
ALANGAYAM POLICE STATION,  
VELLORE DISTRICT.

5 THE OFFICER INCHARGE,  
SUB JAIL, TIRUPATTUR

CC to M/S.R.RAMESH Advocate on payment of necessary charges  
Sr.2401

CRL OP.3879/2021

Date :26/02/2021

RVR 01/03/2021