

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5466 of 2021

1. Mohanraj
2. Saranraj
3. Naveenraj

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Panamadangi Police Station,
Vellore District.
(Crime No.252 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.252 of 2020 on the file of the respondent police.

For Petitioners : Mr. R. Vimal

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 04.01.2021 for the offence punishable under Sections 147, 148, 294(b), 324, 307 and 302 of IPC in Crime No.252 of 2020, seek bail.

2. Totally, there are 7 accused and the petitioners are A5, A6 and A7. The case of the prosecution is that there was family dispute between the deceased and other family members. It is stated that A1 is the son of the brother of the deceased. The petitioners 1 and 2 herein are the son of A1. A2 is the brother of A1 and the third petitioner herein is the son of A2. On the date of occurrence, due to land dispute, there was quarrel between them, in which, all the accused persons said to have attacked the deceased and the defacto complainant and caused serious injuries to them and Subsequently, deceased died due to the injuries.

3. The learned counsel for the petitioners would submit that due to family dispute, a false case has been foisted against this petitioners. They have not committed any offence as alleged by the prosecution. He would further submit that the main accused A1 to A4 have already been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to property dispute, quarrel arose between them and the petitioners along with other accused attacked the defacto complainant and his husband and caused death. She would further submit that A1 to A4 were released on bail. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case, and the fact that the main accused A1 to A4 in this case have already been released on bail 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 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, Katpadi, 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 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 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 55601;

(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/-
19/03/2021

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PANAMADANGI POLICE STATION,
VELLORE DISTRICT.

+3CC to M/S. R.VIMAL Advocate on payment of necessary charges SR NO.3685

CRL OP.5466/2021

Date :19/03/2021

MK:22/03/2021