

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8736 of 2021

Murugan

... Petitioner

Vs.

The State Rep by  
The Inspector of Police,  
Desur Police Station,  
Thiruvannamalai District.  
(Crime No.442 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner in Crime No.442 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Devakumar

For Respondent : Mr.L.Charles Premkumar  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 05.06.2020 for the offence under Sections 341, 364, 380, 302 and 201 of IPC. He seeks bail.

3. The learned Government Advocate (Criminal Side) wants adjournment, since he has not received any instructions.

4.The learned counsel appearing for the petitioner would point out that for the co-accused, namely A1 and A4, a bail was granted by this Court in Crl.O.P.Nos.8128/2021 and 8386 of 2021 and he also would state that the petitioner is not having any previous case.

5. Taking note of the long period of incarceration and the fact that the investigation is over and particularly the fact that the bail has been granted to two of the co-accused, 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, Vandavasi 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 not commit any offences of similar nature; (d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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 petitioner 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,  
VANDAVASI

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
DESUR POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

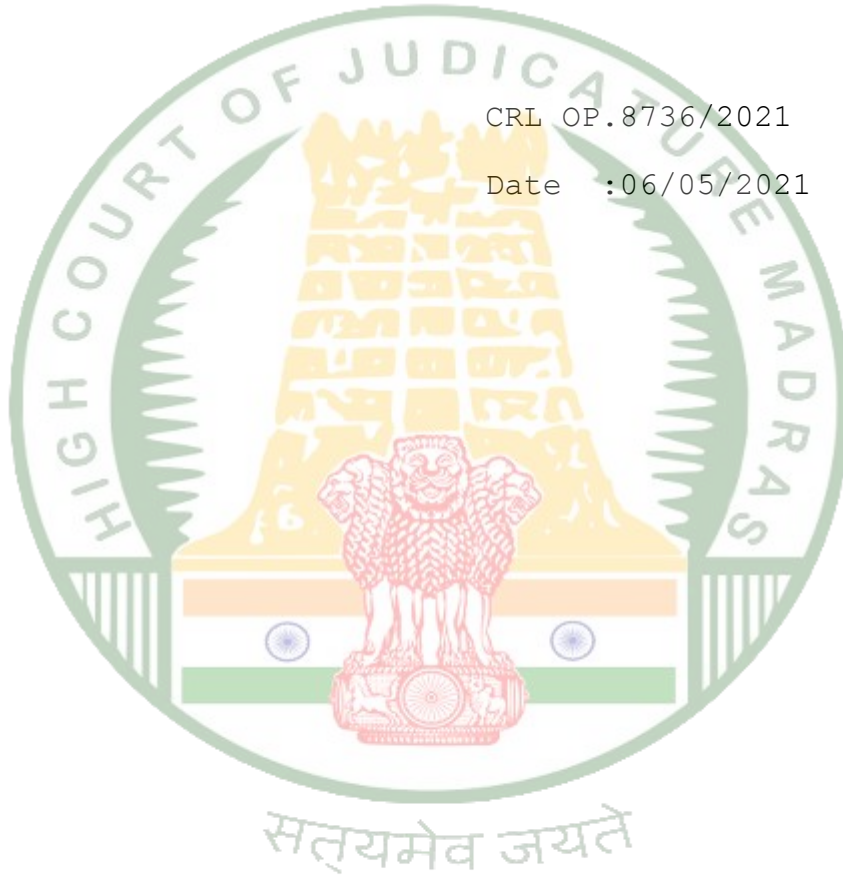
5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

CC to M/S. B.DEVAKUMAR Advocate on payment of necessary charges

CRL OP.8736/2021

Date :06/05/2021

RVR 18/06/2021



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