

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9118 of 2021

& Crl.MP.No.6221 of 2021

1.Venkatesan
2.Babu
3.Dharani

... Petitioners

vs.

State By
Inspector of Police,
Veppamkuppam Police Station,
Anaicut Taluk,
Vellore District.
(Crime No.123 of 2021)

... Respondent

VADIVEL [PETITIONER / DEFACTO COMPLAINANT
[ORDERED AS PER ORDER OF THIS COURT
DATED 21.06.2021 MADE IN
CRL.MP.NO.6221/2021 IN CRL.OP.NO.9118/2021]

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.123 of 2021 pending on the file of respondent police.

For Petitioners : Mr.D.Thirumoorthy

For Intervenor : Mr.A.Gowthaman

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 27.04.2021 for the offence under Sections 147, 148, 294(b), 323, 324, 506(2) and 302 of IPC and Section 41 of Cr.P.C. in Cr.No.123 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that due to dispute regarding grazing of cow, the petitioners are alleged to have attacked and committed murder of the deceased.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case.

4.The learned counsel appearing for the intervenor vehemently opposed for grant of bail to the petitioners.

5.Heard the submissions made by the learned Government Advocate (Crl. Side).

6.Considering the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, before the Superintendent of Central Jail, Vellore, in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) within a period of four weeks after the release, the petitioners shall 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-III, Vellore;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g)the petitioners shall not abscond either during investigation or trial;

(h)on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

21/06/2021

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.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

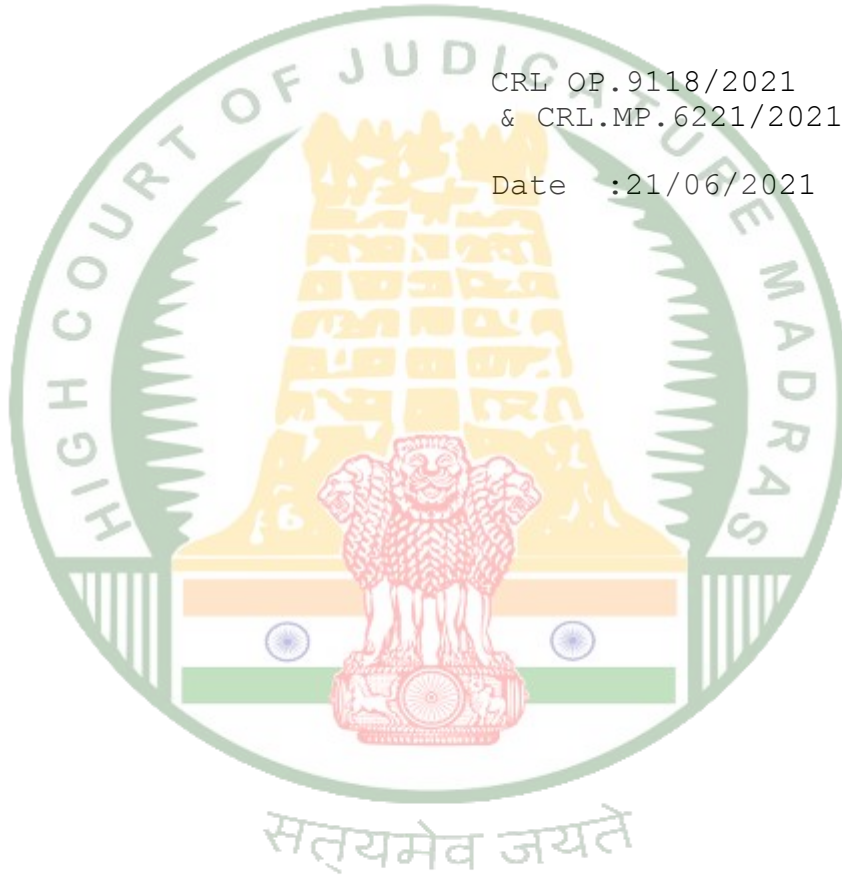
5 THE INSPECTOR OF POLICE,
VEPPAMKUPPAM POLICE STATION,
ANAICUT TALUK,
VELLORE DISTRICT.

CC to M/S. S.P.ARTHI Advocate on payment of necessary charges

CRL OP.9118/2021
& CRL.MP.6221/2021

Date :21/06/2021

cs 22/06/2021



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