

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. Nos.9210 & 9213 of 2021

Annamalai

... Petitioner/Accused No.5
in Crl.Op.No.9210 of 2021

1. Madhammal
2. Vasantha

...Petitioners/Accused No.6 & 7
in Crl.Op.No.9213 of 2021

Vs

State Rep. By
Inspector of Police,
Karumandurai Police Station,
Salem.
Crime No.47 of 2021.

... Respondent/Complainant
in both the petitions

For Petitioners: M/s.S.Lakshmi Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- To enlarge the Petitioners on bail connected in Crime No.47 of 2021 on the file of the respondent police.

COMMON ORDER

The petitioners, who were arrested on 05.12.2020 for the offences punishable under Sections 147, 148, 341, 323, 302 of IPC and Section 25 (1)(a) of Arms Act in Crime No.47 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that A5 in this case viz., Annamalai, who is the petitioner in Crl.OP.No.9210 of 2021 has two wives. The deceased is the son of A5 through his first wife and A1 to

A4 are the sons of A5 through his second wife. The accused including the father Annamalai requested the deceased to give his property in favour of the sons of the second wife. When he was refused, all the accused conspired and caused the death of the deceased on 29.03.2021. The first accused said to have used fire arm and other accused used deadly weapon to cause injuries, which resulted in death of the deceased.

3.The learned counsel for the petitioners submitted that the petitioners are not responsible for the death of the deceased and there is no specific overtact attributed against these petitioners and hence, he seeks to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposes these petitions granting bail to the petitioners especially to the petitioner in CrI.O.P.No.9210/2021, on the ground that he was a man behind this penal act and murdered his own son and the investigation is still pending. Therefore, he strongly opposes these petitions.

5. Taking note of the rival submissions and also the fact that the petitioners are in judicial custody from 05.12.2020, this Court is inclined to grant bail to the petitioners (A6 & A7) in CrI.OP.No.9213 of 2021 and in view of the specific allegation against the petitioner (A5) in CrI.OP.No.9210 of 2013 that he was the man behind this murder, this Court is not inclined to grant bail to the petitioner(A5).

6.Accordingly, the petitioners (A6 & A7) are ordered to be released on bail on their executing separate 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-II, Attur and on further condition that:

a)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.

b)the petitioners (A6 & A7) shall report before the respondent police daily at 10.30 am., until further orders.

c)the petitioners (A6 & A7) shall not abscond either during investigation or trial.

d)the petitioners (A6 & A7) shall not tamper with evidence or witness either during investigation or trial.

e)On breach of any of the aforesaid conditions, the learned 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].

f)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. In the result, the petition in Crl.OP.No.9213 of 2021 is allowed and the petition in Crl.OP.No.9210 of 2021 is dismissed.

-sd/-
13/05/2021

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,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9210 & 9213/2021

Date :13/05/2021

MN-17/05/2021