

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9552 of 2021

Ilayaraman

... Petitioner

Vs.

STATE; rep. by the Inspector of Police,
KONDALAMPATTI Police Station,
SALEM District.

(Crime No.206 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in the crime no.206 of 2021 on the file of the Inspector of Police, KONDALAMPATTI Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner who was arrested on 19.03.2021 and remanded to judicial custody for the offences under Section 294(b), 302 IPC r/w Sec.27(3), 7 of Indian Arms Act 1959, Altered into u/s 294(b), 302 IPC r/w sec. 27(3), 7 of Indian Arms Act 1959 r/w 25 (1B)(c) Arms Act in Cr.No.206 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a civil dispute between A1 and his brother/deceased and that A1 used a country gun and shot the deceased, due to which, he died. The specific overt tact attributed to the present petitioner/A2 is that he had bought the country made gun from A3 and sold it to A1 and that based on the confession statement given by A1, this petitioner was implicated.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and that he has been falsely implicated in this case and the petitioner has been in jail from 19.03.2021. He would further state that A3 has already been released on bail by this Court in CrI.O.P.No.8566 of 2021 on 05.05.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) vehemently opposed the grant of bail by stating that there was a civil dispute between A1 and his brother/deceased and that A1 used a country gun and shot the deceased, due to which, he died. The specific overt act attributed to the present petitioner/A2 is that he had bought the country made gum from A3 and sold it to A1 and that based on the confession statement given by A1, this petitioner was implicated.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Salem in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate No.V, Salem. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate No.V, Salem.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of one week and thereafter, as and when required for interrogation;

(d) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

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

-sd/-

26/05/2021

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.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

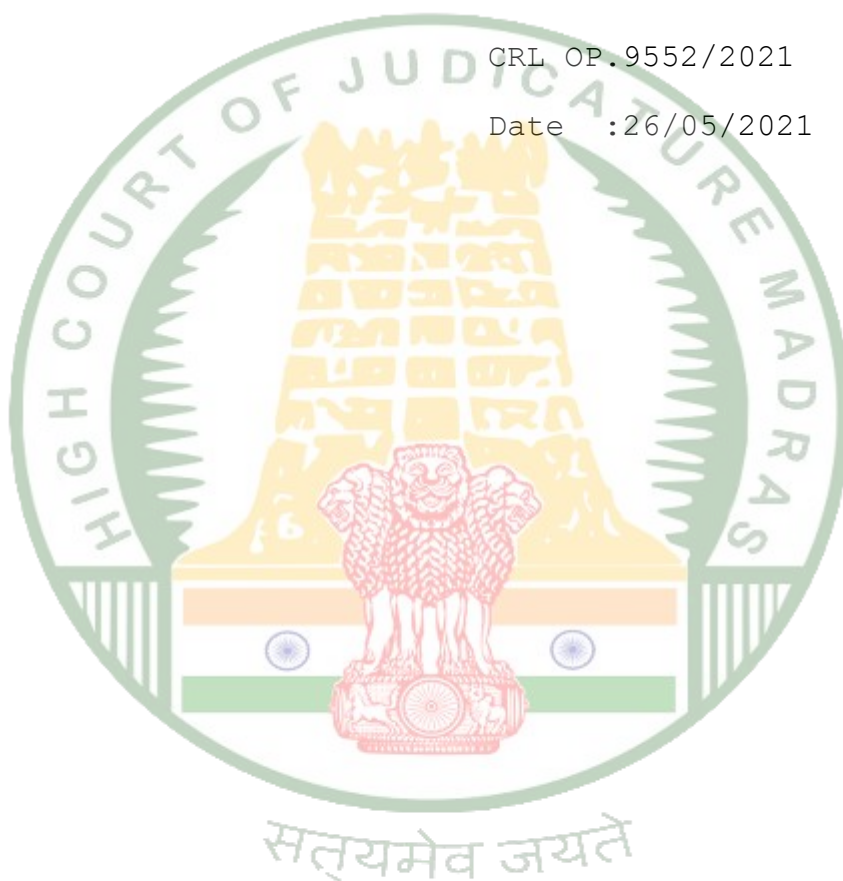
5 THE INSPECTOR OF POLICE,
KONDALAMPATTI POLICE STATION,
SALEM DISTRICT.

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

CRL OP.9552/2021

Date :26/05/2021

cs 28/05/2021



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