

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9906 of 2021

1. Nirmalkumar
2. Vicky @ Vigneshkumar ... Petitioners

Vs.

State by Inspector of Police,
Vellore North Police Station,
Vellore District.
(Crime No.194 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.194 of 2021 pending investigation on the file of respondent police.

For Petitioners : Mr.S.Thirugnanam

For Respondent : Mr.E.Raj Thilak
Counsel appearing for
Government of Tamil Nadu (CrI side)

ORDER

The petitioners who were arrested on 01.04.2021 and remanded to judicial custody for the offences punishable under Sections 294 (b), 307 @ 294(b), 302 of IPC, in Cr.No.194 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 31.03.221 at about 12.30 on a phone call received from the accused, the deceased had gone to the place of the occurrence, when he was said to have been attacked by the petitioners with deadly weapons, which caused his death.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 01.04.2021 . He would further submit that the co-accused had already been granted bail by this Court in CrI.O.P.No.9154 of 2021 dated 13.05.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned counsel appearing for the Government of TamilNadu (Crl.Side) oppose this petition on the ground that the petitioners had specific overact attributed and prays for dismissal of this petition.

5 Considering the fact that the co-accused had already been released and the period of incarceration suffered by the petitioners and the present COVID-19 pandemic situations, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) each of the petitioner shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent, of the Central Prison, Vellore, in which the petitioners have been confined on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.IV, Vellore within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) On release the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

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

(g) the petitioners shall not tamper with evidence or witness 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 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.

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

-sd/-
04/06/2021

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.IV,
VELLORE.

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,
VELLORE NORTH POLICE SATION,
VELLORE DISTRICT.

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

MK:07/06/2021

CRL OP.9906/2021

Date :04/06/2021