

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9923 of 2021

Agilan

... Petitioner

Vs.

State: Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District,
Cr. No.665 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in SC.No.42 of 2021 on the file of the learned Additional District and Sessions Judge, Krishnagiri in Crime No.665 of 2020 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Cr1.side)

O R D E R

The petitioner, who was arrested through PT warrant on 25.03.2021 and remanded to judicial custody for the offence punishable under Section 302 of IPC in Crime No.665 of 2020 on the file of the respondent police, in respect of SC.No.42 of 2021, seeks bail.

2. The case of the prosecution is that on 02.08.2020, one Vikram S/o.Balakumar lodged complaint before the respondent police stating that he is the friend of one Pawnraj (deceased herein). On the very same day at about 12 p.m., they were in his grandmother's home at Palayapettai, and one Sathish @ Vanjinathan and his wife called and threatened him with dire consequences through mobile for which he recorded their conversation in his mobile (6380443797). Subsequently at 12.30 p.m., Tendular was coming with one, Noor by two wheeler, who is friend of the above said Vanjinathan. He asked him to follow their two wheeler. Then they followed them and reached to ground which is in the near of Housing board, Krishnagiri by 1.00 p.m. The said

Vanjinathan asked about the scolding of him. Then both asked him to say sorry, but suddenly Tendulkar has assaulted his head's back side with hand. Then the Vanjinathan had directed him to kill his friend namely Pawnraj for which he took the knife from his pocket. Pawnraj ran away from there. After that Tendulkar along with one identified person were following him by Two wheeler. He begged with his foot to leave his friend. Then he was trying to call him but his mobile was switched off. Then the defacto complainant was searching his friend in Sugarcane garden at Panandhoppu village. He found his friend in Thurinjipattu Road who found with blood injuries. He asked about the incident and he stated that Tendulkar and another one person attacked him with knife and then they moved from there at about 1.30 p.m. Subsequently, he was taken to Government Hospital, Krishnagiri through ambulance, but the doctor stated that his friend already expired. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and subsequently granted bail in CrI.OP.No.16363 of 2020 by order dated 29.10.2020. Subsequently, he was arrested in Cr.No.65 of 2021 on the file of the Inspector of Police, Krishnagiri Town Police Station on 09.02.2021. Therefore, the petitioner could not able to attend the trial in SC.No.42 of 2021. Therefore, the trial court issued non bailable warrant on 25.03.2021 and on the same day, he was produced on PT warrant before the trial court and again, he was arrested and remanded to judicial custody in SC.No.42 of 2021. Therefore, he is incarcerated imprisonment for the past four months and though he was released on bail in Cr.No.65 of 2021 in CrI.OP.No.8853 of 2021 by order dated 13.05.2021, he could not be released since he was again arrested in Cr.No.665 of 2020 in pursuant to the NBW issued by the trial court in SC.No.42 of 2021. Hence, he seeks bail for the petitioner.

4. The learned Counsel for Government (CrI. Side) would submit that the petitioner is arrayed as A3 in Cr.No.665 of 2020 registered for the offences under Section 302 of IPC. After completion of investigation, final report was filed and the same has been taken cognizance in SC.No.42 of 2021 and it is pending for trial on the file of the Additional District Court, Krishnagiri. Thereafter, again he was arrested in Crime No.65 of 2021 registered for the offences under Sections 324 and 302 of IPC on 09.02.2021. On PT warrant he was produced before the trial court in SC.No.42 of 2021 on 25.03.2021.

5. It is seen that the petitioner is arrayed as A3 and he was arrested and related on bail in CrI.OP.No.16363 of 2020 by order dated 29.10.2020. Subsequently, he was again arrested on 09.02.2021 in Cr.No.65 of 2021 registered for the offences under Sections 324 and 302 of IPC. This court granted bail to the petitioner in CrI.OP.No.8853 of 2021 on 13.05.2021 on statutory bail. Therefore, the petitioner could not able to attend the trial court in SC.No.42 of 2021. The trial court issued NBW. On PT warrant, the petitioner was

produced before the trial court in SC.No.42 of 2021 on 25.03.2021 and he was shown arrest in SC.No.42 of 2021 in pursuant to the NBW issued by the trial court.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two sureties, out of which one shall be a blood related surety, for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen 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.

[c] the petitioner shall report before the trial court i.e. Additional District and Sessions Court, Krishnagiri daily at 10.30 a.m. until further orders.

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/06/2021

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 VACATION SESSIONS JUDGE,
KRISHNAGIRI.

2 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI.

3 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

4 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.9923/2021

Date :09/06/2021

cs 10/06/2021

सत्यमेव जयते

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