

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10401 of 2021

Saravanan

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Thiruppathur Town Police Station,
Vellore District.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.27 of 2021 on the file of the respondent.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioner who was arrested on 18.04.2021 and remanded to judicial custody for the offences under Sections 120(b), 147, 148, 341 and 302 of I.P.C in Cr.No.27 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner along with other accused persons attacked the deceased with knife and Iron rod and caused serious injuries all over the body. Subsequently the deceased died on the spot itself. Hence, the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submits that the petitioner is in no way connected with the offence and only based on the confession statement given by the co-accused the respondent police registered the case against and the petitioner has been in jail from 18.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate vehemently opposed the grant of bail by stating that the petitioner along with other accused

persons brutally attacked the deceased and caused injuries to him, due to which the deceased died on the spot itself. He would further submits that some of the co-accused persons were enlarged on bail and investigation is almost completed.

5. Taking into consideration the fact that some of the co-accused persons were enlarged on bail and investigation is almost completed and also 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 Sub Jail, Thiruppathur, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned **Judicial Magistrate No.1, Thiruppathur.**

(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 petitioner is permitted to file appropriate petition within a period of four week 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(g) the petitioner 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 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;

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

-sd/-
15/06/2021

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.I, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUPPATHUR.

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

CRL OP.10401/2021

Date :15/06/2021

TA-16/06/2021

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