

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10703 of 2021

1. Vikki @ Vikram
2. Rakki

... Petitioners

Vs.

The State rep. by
The Sub - Inspector of Police/SHO
Thiruppapuliur Police Station,
Cuddalore District.
(Crime No.84 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 connection with Crime No.84 of 2021 on the file of the respondent police.

For Petitioners : Mr.T.Gnana Banu

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioners who were arrested on 19.02.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b) and 302 of IPC in Cr.No.84 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the deceased, as a result of which, the petitioners along with other accused persons had murdered the deceased. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution and they have been in judicial custody from 19.02.2021. Therefore, he prays to grant bail to the petitioners.

4. Heard the learned Government Advocate (CrI.Side) appearing for the respondent.

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

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

(b) Within a period of four weeks after the release, each of the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Cuddalore.

(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 petitioners are 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
22/06/2021

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.III, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE/SHO,
THIRUPPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.T.GNANA BANU Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.10703/2021

Date :22/06/2021

cs 23/06/2021

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