

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11217 of 2021

1.Sarathkumar
2.Saravanan
3.Kumaravel
4.Janaki

... Petitioners

Vs.

The State rep. by the
Station House Officer,
Vikravandi Police Station,
Villupuram District.
(Crime No.221 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.221 of 2021 on the file of the respondent police.

For Petitioners : Mr.N.Anbazhagan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

O R D E R

The petitioners who were arrested and remanded to judicial custody on 26.04.2021 for the offence under Sections 294(b), 364, 323, 324 and 307 of IPC subsequently altered into 294(b), 364, 323, 324 and 302 of IPC in Cr.No.221 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that due to previous enmity the petitioners 1 and 2 are alleged to have kidnapped the deceased and thereafter, all the petitioners are alleged to have joined together, attacked and committed murder of the deceased. The petitioners are arrayed as A1 to A4 in the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case.

4. Heard the submissions made by the learned Government Advocate (Cr1. Side).

5. Considering facts and circumstances of the case, I am not inclined to grant bail to the petitioners 1 and 2. This criminal original petition is dismissed as against the petitioners 1 and 2.

6. Considering the period of incarceration undergone by the petitioners 3 and 4 and since there is no specific overtact against them, I am inclined to grant bail to the petitioners 3 and 4.

7. Accordingly, the petitioners 3 and 4 are ordered to be released on bail on the following conditions:

(a) the petitioners 3 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, before the Superintendent of Central Prison, Cuddalore, in which the petitioners 3 and 4 are confined and on such execution the petitioners shall be released from prison;

(b) within a period of four weeks after the release, the petitioners 3 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Vikravandi;

(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 3 and 4 are permitted to file appropriate petition within a period of four weeks 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 3 and 4 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners 3 and 4 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 3 and 4 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/-

30/06/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VIKRAVANDI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 STATION HOUSE OFFICER,
VIKRAVANDI POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S N.ANBAZHAGAN Advocate on payment of necessary charges
Sr.6930

CRL OP.11217/2021

Date :30/06/2021

RVR 01/07/2021