

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11192 of 2021

1.Stephan @ Stephanraj
2.Jeeva @ Jeevanantham
3.Ramanan

... Petitioners

Vs.

State Rep. by Station House Officer,
Thirupapuliyur Police Station,
Cuddalore District.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.84 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

The petitioners who were arrested and remanded to judicial custody on 17.02.2021 for the offence under Sections 147, 148, 294 (b), 302 of I.P.C. in Cr.No.84 of 2021 on the file of the respondent police, seek bail. सत्यमेव जयते

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have attacked and committed murder of the deceased. The petitioners are arrayed as A5, A6 and A9.

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 the case.

4.The learned Government Advocate (CrI. Side) submits that there is 1 previous case as against A5 and A6/ petitioners 1 and 2 and there is no previous case as against A9/ petitioner 3.

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

6.Considering the period of incarceration undergone by the third petitioner, I am inclined to grant bail to the third petitioner.

7.Accordingly, the third petitioner is ordered to be released on bail on 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 Central Prison, Cuddalore, in which the third petitioner is confined and on such execution the third petitioner shall be released from prison;

(b) within a period of four weeks after the release, the third petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.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 third petitioner is 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 third petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(g)the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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/-

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 JUDICIAL MAGISTRATE NO.III,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE STATION HOUSE OFFICER,
THIRUPPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11192/2021

Date :30/06/2021

MK:01/07/2021