

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.11235 and 11240 of 2021

Ameen ... Petitioner in Crl.O.P.11235/21

Imran Noorullah ... Petitioner in Crl.O.P.11240/21

Vs.

State, rep. by  
The Sub Inspector of Police,  
Vandasi South Police Station,  
Thiruvannamalai District.  
(Crime No.130 of 2021)

... Respondent in both Crl.O.Ps.

Common Prayer:

Petitions filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in connection with Crime No.130 of 2021 on the file of the respondent police.

For Petitioners : Mr.V.R.Appaswamee

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

C O M M O N O R D E R

The petitioner who was arrested and remanded to judicial custody on 29.04.2021 for the offence under Sections 147, 148, 341, 302 of I.P.C. in Cr.No.130 of 2021 on the file of the respondent police, seek bail in Crl.O.P.No.11235 of 2021.

2.The petitioner who was arrested and remanded to judicial custody on 21.04.2021 for the offence under Sections 147, 148, 341, 302 of I.P.C. in Cr.No.130 of 2021 on the file of the respondent police, seek bail in Crl.O.P.No.11240 of 2021.

3.It is the case of the prosecution that due to previous enmity the petitioners along with the other accused are alleged to have attacked and committed murder of the deceased. The petitioner in Crl.O.P.No.11235 of 2021 is arrayed as A10 and the petitioner in Crl.O.P.No.11240 of 2021 is arrayed as A2.

4.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.

5.Heard the submissions made by the learned Government Advocate (Crl. Side).

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

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

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, before the Superintendent of Central Prison, Vellore, 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, the petitioners 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 Judicial Magistrate, Vandavasi;

(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 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 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/-  
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,  
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE SUB INSPECTOR OF POLICE,  
VANDASI SOUTH POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR NOS.6952, 6953

CRL.OP.NO.11235 & 11240 OF 2021

Date :30/06/2021

MK:01/07/2021