IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11605 of 2021

Sadam Hussein ... Petitioner

Vs.

The State Represent by
The Sub Inspector of Police,
Vandavasi South Police Station,
Thiruvannamalai District.
Crime No.130 of 2021. ... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.130 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Jawahar

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

ORDER

The petitioner, who was arrested on 08.04.2021 and remanded to judicial custody for the offence under Section 147, 148, 341 and 302 of IPC in Cr.No.130 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, waylaid the defacto complainant and her husband while coming by two wheeler, attacked him with knife and caused his death. Based on the complaint lodged by the defacto complainant, the respondent Police registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 08.04.2021. Therefore, he prays to grant bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioner had brutally murdered the deceased due to enmity and the investigation is almost completed.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation is also almost completed, 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 Central Prison, Vellore 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 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 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;

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

-sd/-
07/07/2021

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 SUB-INSPECTOR OF POLICE,
VANDAVASI SOUTH POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

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CRL OP.11605/2021

Date :07/07/2021

MN-08/07/2021

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