



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12356 of 2021

WEB COPY

T.Murugan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Konganapuram Police Station,
Konganapuram, Salem District.
Crime No.133 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.133 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Selvaraj

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

ORDER

The petitioner, who was arrested on 18.06.2021 and remanded to judicial custody for the offence under Sections 147, 148, 294(b), 323, 341, 448, 302 and 506(2) of IPC in Cr.No.133 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A10 in this case. The defacto complainant is the elder son of the deceased Thangavel. The defacto complainant's younger brother Prakash and the A2 & A3's daughter Sandhya loved each other. Regarding this issue, there was enmity between the two families. On 20.03.2021, the said Prakash and Sandhya eloped from their respective houses. Due to which, on 06.04.2021, the accused persons went to the house of the deceased along with deadly weapons and assaulted him and pushed him down and also abused him with filthy language. The petitioner along with other accused stabbed on his stomach and cut his neck with knife. When the defacto complainant was tried to save the deceased, this petitioner caught hold her. Due to the attack the deceased died. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and other accused.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and according to the prosecution, the only overtact against the petitioner is that he restrained the wife of the defacto complainant from going inside the house and he has not attacked the deceased and the petitioner has been in jail from 15.06.2021. Co-accused A2 & A3 were granted bail by the Court below in CMP.Nos.1659 & 1939 of 2021 dated 20.05.2021 & 29.06.2021 respectively. Co-accused A7 & A8 were granted anticipatory bail by this Court dated 28.04.2021 in Crl.OP.No.7368 of 2021. and Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that accused persons had brutally murdered the deceased and there is no specific overtact against this petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation has also been completed and co-accused have already been enlarged on bail and there is no specific overtact attributed against this petitioner, 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 Jail, Salem 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 District Munsif cum Judicial Magistrate, Edappadi, Salem District;.

(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;

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

-sd/-

16/07/2021

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 DISTRICTMUNSIF CUM
JUDICIAL MAGISTRATE, EDAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
KONGANAPURAM, SALEM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

CC to M/S.K.SELVARAJ Advocate on payment of necessary charges
Sr.7491

CRL OP.12356/2021

Date :16/07/2021

RVR 19/07/2021