



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12628 of 2021

1. Sagadevan @ Saga
S/o.Poongavanam

2. Sakthivel
S/o.Elumalai

3. Manikandan @ Bottle Mani
S/o.Annamalai

4. Manikandan @ Dokly Mani
S/o.Selvam

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
T-10 Tirumullaivoyal Police Station,
Chennai.
Crime No.744 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to grant bail to the petitioners/accused in Crime No.744 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Raj Prabhu

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

O R D E R

The petitioners who were arrested on 02.11.2020 for the offence under Sections 341, 302 read with Sections 34 and 114 of IPC in Crime No.744 of 2020, on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners 1 to 4 had attacked the defacto complainant's husband with aruval all over his body due to previous enmity. For which, the victim died. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners are nothing to do with the alleged offence as stated by the prosecution. The deceased and his friends had already involved in a murder case. They murdered the brother of A1. Some unknown persons murdered the defacto complainant's husband and the petitioners are falsely implicated in this case. The petitioners are in judicial custody from 02.11.2020. Hence, he learned counsel prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. side) submitted that the petitioners attacked the defacto complainant's husband with aruval and brutally murdered him. There is a previous case pending against the petitioners 1 and 2 and there is no previous case pending against the petitioners 3 & 4. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the fact that there is one previous case pending against the petitioners 1 & 2, this court is not inclined to grant bail to them. Considering the facts and circumstances of the case, the petitioners having been under incarceration in prison from 02.11.2020 and there is no previous case pending against the petitioners 3 & 4, this Court is inclined to grant bail to the petitioners 3 & 4 with following conditions:

6. Accordingly, the petitioners 3 & 4 are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge-II, Poonamallee and on further condition that:

(a) 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;

(b) the petitioners 3 & 4 are directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(d) the petitioners 3 & 4 shall not abscond either during investigation or trial;

(e) 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;



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

7. In the result, this Criminal Original Petition is dismissed as against the petitioner 1 & 2/A1 & A2 and this Criminal Original Petition is ordered insofar as the petitioners 3 & 4/A3 & A4 are concerned.

-sd/-
22/07/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE-II,
POONAMALLEE.

2 THE SUPERINTENDENT,
CENTRAL PRISON-II,
PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
T-10, TIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.RAJ PRABHU Advocate on payment of necessary charges SR NO.7611

CRL OP.12628/2021

Date :22/07/2021

MK:23/07/2021