



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.14569 of 2021

WEB COPY

C.Tamil Selvan

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Brammadesam Police Station,
Villupuram District.
Crime No.1494 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the crime No.1494 of 2020 pending on the file of the respondent
police.

For Petitioner : Mr.M.Balaji

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

O R D E R

The petitioner who was arrested on 31.05.2021 and remanded to
judicial custody for the offence under Section 120B, 294 B, 323 and
302 of IPC in Crime No.1494 of 2020, on the file of the respondent
police, seeks bail.

2. It is the case of the prosecution that A1 borrowed loan for a
sum of Rs.17 Lakhs from the deceased Premkumar. When the deceased
Premkumar demanded to repay the money, A1 did not repay the same.
Thereafter, A1 conspired with the other accused person to kill the
said Premkumar and his mother. On the occurrence day, A1 mixed rat
paste with meat and allowed premkumar to consume the same.
Thereafter, the petitioner along with other accused taken him into
Auto and committed murder by throwing him in the well. Based on the
complaint lodged by the defacto complainant, who is the Village
Administrative Officer, the respondent police registered a case
against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted
that the petitioner is innocent and he is nothing to do with the
alleged offence as stated by the prosecution and he is falsely
implicated in this case. Co-accused has already arrested and released
on bail. Hence, he learned counsel prays to grant bail to the



4.The learned Government Advocate submitted that this is a case of double murder and the defacto complainant lodged a complaint stating that there are totally three accused involved in this case and the petitioner is A2. A1 borrowed a sum of Rs.17,00,000/- from the deceased Premkumar and he did not repay the same. When Premkumar and his mother demanded to repay the loan, A1 colluded with A2, to murder the above said Premkumar and his mother. In order to execute the same, on the occurrence day, the petitioner and A1, mixed rat paste with meat and allowed the Premkumar to eat the meat along with liquor. Thereafter, they taken Premkumar in the Auto and all the accused committed murder by throwing him in the well. Thereafter, the petitioner along with other accused person assaulted the mother of the deceased Premkumar by using belt and pushed her down and thrown big stone on her. Due to which, she died on the spot. If the petitioner is released on bail, there is a chance for tampering the witnesses and hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case, the petitioner having been under incarceration in prison from 31.05.2021 and the co-accused has been arrested and released on bail, this Court is inclined to grant bail to the petitioner with following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tindivanam 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 petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(d)the petitioner 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.

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-sd/-
17/08/2021

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-II,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14569/2021

Date :17/08/2021

INBA 18/08/2021