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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15182 of 2021

1.Anandan
2.Sakthivel
3.Mohan kumar
4.Selvam

... Petitioners

Vs.

State rep by its,
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District
Crime No.259 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in Crime No.259 of 2021 on the file of the respondent.

For Petitioners : Mr. N. Manoharan

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 25.06.2021 for the offences under Sections 120B and 302 of IPC, in Crime No.259 of 2021 , on the file of the respondent police, seek bail.

2. The case of the prosecution is that there due to land dispute the petitioners poisoned the father and mother of the 1st petitioner. A1 is the son of the deceased and A2 and A3 are grand sons of the deceased and the A4 is the daughter-in-law of the deceased. . Hence, the law enforcing registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners have not involved in the offence and they have been falsely implicated in this case. He further submits that the deceased had executed the settlement deed in favour of the first petitioner on 11.06.2021 and the occurrence said to have taken place on 22.06.2021. Hence they were not in any way connected with the alleged offence and the petitioners are in jail from 25.06.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that A1 to A3 murdered the deceased and the 4th petitioner assisted them. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the heinous nature of offence committed by first, second and third petitioners this Court is not inclined to grant bail to the first, second and third petitioners and this application is dismissed with regard to the first, second and third petitioners and there is no specific over act against A4 petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the A4/Selvam with certain conditions.

6. Accordingly, the A4/Selvam is ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Dharmapuri 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/A4/Selvam shall report before the All Women Police Station, Dharmapuri, daily at 10.30 a.m. until further orders;

(c) the petitioner/A4/Selvam shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner/A4/Selvam 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 petitioner/A4/Selvam 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/-

31/08/2021

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 NO.2,
DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
ALL WOMEN POLICE STATION,
DHARMAPURI

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

CRL OP.15182/2021

Date :31/08/2021

APN 01/09/2021