



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18427 of 2021

1. Vinayagam
2. Karpagam
3. Tamizh Diravindan @ Balaji
4. Amirtham

... petitioners

Vs.

State by:-
Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai
(Crime No.615 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners pending investigation in Crime No.615 of 2021 on the file of the respondent police.

For Petitioners: Mr.M.Ravi Kumar

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

ORDER

The first and second petitioners, A1 and A6 were arrested on 19.08.2021 and the third and fourth petitioners/ A7 and A8 were arrested on 20.08.2021 and remanded to judicial custody for the offences under Sections 147,148,302,341 of I.P.C altered to 120B 147,148, 302 and 341 of IPC, in Crime No.615 of 2021 on the file of the respondent police, seek bail.

2. Totally there are 13 accused in this case and the petitioners herein arrayed as A1,A6,A7 and A8. A1 and A7 are brothers and A6 is the wife of A1 and A8 is the wife of A7. The case of the prosecution is that there was a civil dispute between the defacto complainant's family and the petitioner's family, thereby A1 and A7 arranged hooligans to commit the murder of the deceased and murdered the deceased. Hence the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submits that there is no specific over tact against A6 and A8 who are arrayed as second and fourth petitioners herein. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is a civil dispute pending between the defacto complainant's family and the petitioner's family and the first and third petitioners arranged hooligans to do way the life of the deceased life and murdered the deceased. He further submitted that the investigation is in preliminary stage. He further submitted A13 is still absconding and he is the master mind behind the crime. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the gravity of offence committed by the first and third petitioners/A1 and A7, this Court is not inclined to grant bail to them, accordingly this petition is dismissed with regard to the first and third petitioners/A1 and A7. Considering the period of incarceration suffered by the petitioners and as there is no specific over tact against the second and fourth petitioners/ A6 and A8 this Court is inclined to grant bail to the second and fourth petitioners/ A6 and A8 with certain conditions:

6. Accordingly, the second and fourth petitioners/ A6 and A8 are 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 V Metropolitan Magistrate, Egmore , 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 second and fourth petitioners/ A6 and A8 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the second and fourth petitioners/ A6 and A8 shall not tamper with evidence or witness either during investigation or trial;

(d)the second and fourth petitioners/ A6 and A8 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 second and fourth petitioners/ A6 and A8 in accordance with law as if the conditions have been imposed and the second and fourth



petitioners/ A6 and A8 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.

-sd/-

01/10/2021

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON-PUZHAL, CHENNAI-600 066.

4 THE SUPERINTENDENT,
CENTRAL JAIL FOR WOMEN,
PUZHAL, CHENNAI-600 066.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.

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

CRL OP.18427/2021

Date :01/10/2021

RW 04/10/2021