

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20281 of 2020

K.Velumani

... Petitioner

Vs.

The State Rep. by
Sub-Inspector of Police
Jalakandapuram Police Station
Salem District
(Crime No.188 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.188 of 2018 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mrs.M.Prabavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner was arrayed as 5th accused and totally, there are seven accused in the present case. The petitioner, who was arrested and remanded to judicial custody on 02.11.2020 for the offence punishable under Sections to 364, 364A, 457, 392, 302 and 201 I.P.C. in Crime No.188 of 2018, seeks bail.

2. The case of the prosecution is that the deceased by name Sakthivel has been abducted by all the accused for ransome and also murdered him. The original complaint has been filed for "Man Missing", and during investigation, the petitioner along with other accused were arrested. So far as the petitioner is concerned, he was arrested and remanded to judicial custody on 02.11.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only 5th accused in this case and the other accused A2 to A4 were released on bail by the Sessions Court, Salem in C.M.P. No.7664 of 2020. Now, the petitioner is in jail for more than two months. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the petitioner is the main accused and it is a case of murder for ransome. The petitioner is in judicial custody only for two months.

5. Taking into consideration of the facts and circumstances of the case, and other co-accused viz., A1 to A4 were already released on bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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.II, Mettur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/01/2021

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.II,
METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE SUB INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT.

CC to P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.20281/2020

Date :04/01/2021

GKS:05/01/2021

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