

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20979 of 2020

Inayathulla

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
(Crime No.1681 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1681 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. T.V.G.Kartheeban

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Section 147, 341, 120 (b), 302, 34 of IPC in Crime No.1681 of 2020, seeks bail.

2. Totally there are 13 accused in this case and the petitioner is A6. The case of the prosecution is that due to property dispute, between the parties, A1 to A9 conspired together and engaged A10 to A13 to murder the deceased. Consequent to the same, on 31.10.2020, A10 to A13 way laid the deceased and attacked him with dangerous weapon and thereby caused his death. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. He would further submit that A1, A2, A5 and A7 were released on bail by this Hon'ble Court. Hence, he seeks bail to the petitioner.

4. The learned counsel appearing for the intervener would submit that, due to property dispute all the accused planned and

attacked the deceased and thereby committed murder. Some of the accused are still absconding. Hence, he opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused conspired together and attacked the deceased and committed murder. Some of the accused are yet to be arrested. Investigation has been completed and she vehemently opposed to grant bail to the petitioner.

6. I have considered the rival submissions and perused the materials available on records carefully.

7. Considering the said facts and circumstances of the case and the fact that investigation has been completed and co-accused in this case have been 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, Ulundurpet 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 shall **stay at Trichy and report before the Inspector of Police, Cantonment Police Station daily 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 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];

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

8. With the above direction, the Criminal Original Petition is ordered.

-sd/-
25/01/2021

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,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VILLUPURAM.

6 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.

+1 CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary charges SR.NO.792

CRL OP.20979/2020

Date :25/01/2021

TA-27/01/2021

WEB COPY