



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20812 of 2021

1.Manivel @ Mariappan
2.Sakthivel

...petitioner/A-7
.. petitioner/A-8

Vs.

The State of Tamil Nadu
Rep. by The Inspector of Police
Kadathur Police Station
Dharmapuri District
Crime No: 34/2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No. 34 of 2021 on the file of the respondent police.

For petitioners : Mr.E.K.Kumaresan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 13.10.2021 under Sections 147, 364, 302 & 201 of IPC in Crime No.34 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.01.2021 at about 10 p.m, when the husband of the defacto complainant was standing on the road near Puthureddiyur, four persons came in a car in a rash and negligent as if hitting against the husband of the defacto complainant and when the same was questioned, they kidnapped the husband of the defacto complainant and assaulted him severely by using iron rod and stones. Thereafter, he was rescued by the villagers and brought to home. Subsequently, he died. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are President and Vice President of the Village and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case based on the confession of co-accused. He would further submit that A1 to A5 have been released on bail by the lower Court and the petitioners have been suffering incarceration for more than 30 days from 13.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that A6 in this case is still absconding. The petitioners are arrayed as A7 and A8. The allegation against the petitioners is that the petitioners along with A6 asked A1 to A4 to be absconding till Pongal festival and they would work out a compromise by offering money to the complainant.

5. Considering the period of incarceration undergone by the petitioners and the fact that the investigation is almost completed and A1 to A5 have been granted bail by the lower Court, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Pappireddipatti, Dharmapuri District 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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.

WEB COPY

-sd/-
15/11/2021

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,
PAPPIREDDIPATTI,
DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, DHARMAPURI.

+2 CC to M/S. E.K.KUMARESAN Advocate on payment of necessary charges SR.NO.12746

CRL OP.20812/2021

Date :15/11/2021

INBA-15/11/2021