



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

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

Cr1.O.P.No.22358 of 2021

Ganesan

... Petitioner

Vs.

State represented by  
The Inspector of Police  
Vaniyambadi Police Station  
Vellore District  
(Crime No.625 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.625 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.09.2021 for the offences under Sections 147, 148, 294(b), 302 of IPC @ into Sections 120B, 147, 148, 294(b), 302 read with 34 of IPC, in Crime No.625 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the deceased and the 1<sup>st</sup> accused are friends. The deceased alleged to have informed the police that the 1<sup>st</sup> accused is selling Ganja along with his partners. Hence, in order to wreck vengeance, the 1<sup>st</sup> accused along with other accused murdered the deceased. Hence, the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 70 days from 20.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally 21 accused in this case and the petitioner is arrayed as A10 and he is the one who supplied the weapons to the other accused to commit the murder. He would further submit that A1 to A8 and A12 to A15 have been detained under Goondas but admits that there is no previous case against the petitioner.

5. Considering the fact that there is no previous case against the petitioner and there is no proposal for Goondas against him and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Vaniyambadi, and on further conditions 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 shall report before the respondent police on daily at 10.30 a.m. until further orders.

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

(d) the petitioner 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 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]; and;



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

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-sd/-  
01/12/2021

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,  
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
VANIYAMBADI POLICE STATION,  
VELLORE DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.22358/2021

Date :01/12/2021

JPA 02/12/2021