



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.12.2021

CORAM:

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

Cr1.O.P.No.23080 of 2021

WEB COPY

Ramachandran

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Valappady Police Station
Crime No: 479 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 479 of 2021 on the file of the respondent police.

For petitioner : Mr.S.T.Bharath Gowtham

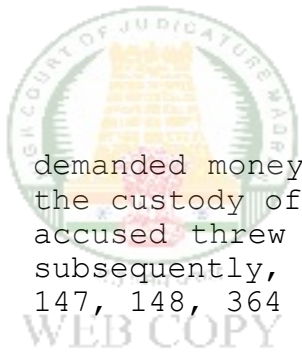
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.09.2021 for the offences under Sections 174(3) of Cr.P.C. and subsequently altered as Sections 147, 148, 364 and 302 of I.P.C, in Crime No.479 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Village Administrative Office and he lodged a complainant stating that one Raja was found dead in a Well. Initially, the case was registered under Section 174(3) Cr.P.C. Later on enquiry, it was found that the deceased Raja along with one Dharman, Ganesan, Srinivasan and Selvam was doing illegally transporting Rose Wood Trees. While so, there was some dispute between them in respect of sharing the amounts. Hence, the accused kidnapped the deceased, assaulted him and also



demanded money from his wife. Subsequently, the deceased escaped from the custody of the deceased and jumped in to a Well. At that time, the accused threw stones into the Well with an intention to kill him and subsequently, he died. Hence, the offences were altered into Sections 147, 148, 364 and 302 IPC.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution and that he has been suffering incarceration for more than 70 days from 17.09.2021. He would further submit that this is the 2nd application for bail and the earlier application in Crl.O.P.No.20852 of 2021 was dismissed by this Court by order dated 15.11.2021 and that the petitioner is ready to abide any stringent condition that may be imposed by this Court. Hence, he would seek for bail.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is arrayed as A8 and all the accused have been arrested and they are all still in judicial custody and admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the facts and circumstance of the case and that there is no previous case against the petitioner and 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 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 learned Judicial Magistrate Cum District Munsif, Valappady, 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 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.

-sd/-
02/12/2021

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
CUM DISTRICT MUNSIF, VALAPPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VALAPPADY POLICE STATION,
SALEM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.T.BHARATH GOWTHAM Advocate on payment of necessary charges SR.NO.13880

CRL OP.23080/2021

Date :02/12/2021

JPA 02/12/2021