



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Crl.O.P.No.23358 of 2021

Selvamurugan @ Selvam

... Petitioner

Vs.

State By
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
Crime No.3262 of 2020

... 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.3262 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under Sections 147, 148, 294(b), 324, 307, 302 of IPC, in Crime No.3262 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between the de facto complainant's husband and other accused persons, the petitioner and other accused persons conspired together and murdered the de facto complainant's husband. Hence the complaint.

3. The learned Counsel for the petitioner would submit 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 40 days from 21.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 20 accused involved in this case and the petitioner is arrayed as A18 and he has got 4 previous cases. He would further submit that some of the accused were detained under Goondas and later the same was revoked and admits that some of the co-accused have been released on bail.

5. On seeing the facts and circumstances of the case and the fact that some of the co-accused have been released on bail and also considering the period of incarceration undergone by the petitioner. This court is inclined to grant bail to the petitioner with conditions

5. 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 learned Judicial Magistrate No-II, Thiruvannamalai, 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 stay at Thiruvannamalai and report before the respondent police daily at 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) the petitioner shall not have any communication with defacto complainant and victim girl.

(f) 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/-

07/12/2021

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,
NO.II, THIRUVANNAMALAI .

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

3 THE OFFICER INCHARGE,
SUB JAIL, THOOTHUKUDI.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges SR.NO.14217

CRL OP.23358/2021

Date :07/12/2021

RW 07/12/2021