



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

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CORAM:

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

Crl.O.P.No.23394 of 2021

1.MOHAMED AYOOB
2.AAPPY @ SHAMEER

...Petitioners

Vs.

State represented by
The Inspector of Police
Vaniyambadi Town Police Station
Thirupathur 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 Petitioners : Mr.R.Sankarasubbu

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 302 of IPC @ into Sections 120B, 147, 148, 294(b), 302 IPC 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 1st accused are friends. The deceased alleged to have informed the police that the 1st accused is selling Ganja along with his partners. Hence, in order to wreck vengeance, the 1st accused along with other accused murdered the deceased. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 60 days. He would further submit that some of the co-accused have been released on bail by this Court in Crl.O.P.No.22358 of 2021 and Crl.O.P.No.22704 of 2021 by order dated 01.12.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally 21 accused in this case and the petitioners are arrayed as A16 and A17. He would further submit that A1 to A8 and A12 to A15 have been detained under Goondas but admits that A10 and A21 have been released on bail by this Court and there is no proposal for Goondas against the petitioners.

5. Considering the fact that there is no proposal for Goondas against the petitioners and some of the co-accused have been granted bail by this Court and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, 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 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 petitioners shall report before the respondent police on every Tuesday and Sunday 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.

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-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,
VANIYAMBADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.23394/2021

Date :07/12/2021

CSK 08/12/2021