



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

CORAM:

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

Crl.O.P.No.23704 of 2021

1.Dharman
2.Selvam
3.Ganesan
4.Srinivasan

... Petitioners

Vs.

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 petitioners in Crime No. 479 of 2021 on the file of the respondent police.

For petitioners : Mr.K.Selvakumar

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

ORDER

The petitioners 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 petitioner 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 petitioners would submit that the petitioners 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 80 days from 17.09.2021. He would further submit that this is the 2nd application for bail and the earlier application in CrI.O.P.No.23080 of 2021 was dismissed by this Court by order dated 02.12.2021 and that the petitioners 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 (CrI. Side) raised objection stating that the petitioners are arrayed as A4, A5, A6 and A7 and that the accused persons and deceased were smuggling, due to sharing of amount dispute has happened between them and the deceased fell down into the well and thereafter he died and further submits that the co-accused has already been released on bail and the investigation is almost completed.

5. Considering the facts and circumstance of the case and the fact that co-accused has released on bail and 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 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 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.

-sd/-

09/12/2021

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, SALEM DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
VALAPPADY POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SELVAKUMAR Advocate on payment of necessary
charges SR.NO.14358

CRL OP.23704/2021

Date :09/12/2021

RW 09/12/2021