



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Crl.O.P.No.24014 of 2021

Vignesh

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Cr.No.683 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.683 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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 19.10.2021 for the offences under Sections 302 and 201 of IPC, in Crime No.683 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 15.10.2021, due to previous enmity, the petitioner and his father murdered the deceased and buried the body in the Selur reserved forest. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner/A2 is an innocent person and he has not committed any offence as alleged by the prosecution. Even as per the prosecution, he had helped his father/A1 to conceal the materials such as Koduval, Simcard and Cell phone and that he has not attacked or murdered the deceased and there is no motive for the petitioner to kill the deceased. He would further submit that the petitioner is a college student and he has been suffering incarceration for more than 50 days from 19.10.2021 and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating the petitioner is arrayed as A2 and his father is arrayed as A1. A1 had illegal intimacy with a lady with whom the deceased also had illegal intimacy and therefore, there was enmity between them. Therefore, the A1 took the deceased to the forest area and in a drunken mood, stabbed him with knife due to which, the deceased died on the spot. Insofar as the petitioner is concerned, he is the son of A1 and he followed A1 in a bike and helped him to destroy the evidences.

5. Considering the facts and circumstances of the case 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 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, Harur, Dharmapuri District, and on further condition 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/-

13/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR.NO.14617

CRL OP.24014/2021

Date :13/12/2021

CSK 14/12/2021