



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.667 of 2022

Sivakumar

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Vellore North (L&O) Police Station
Vellore District
(Crime No.536 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.536 of 2021 pending investigation on the file of the respondent of police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.11.2021 for the offences under Sections 174 Cr.P.C. @ 294(b) and 302 IPC in Crime No.536 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Saranraj having love affair with A2 Sivakumar's brother's daughter one Anu and prior enmity arose between the deceased and A2 and the deceased had a wordy altercation with this petitioner , thereby, the deceased Saranraj abused A1 and A2 and annoyed them, aggrieved at it and on provocation A2 instigated A1 and A1 assaulted with his hands on the head, neck and on the back of the deceased repeatedly with an intention to murder him and made him fell down. Then A1 kicked Saranraj on his neck as a result of which, Saranraj become unconscious and subsequently died due to massive attack caused by 1st accused. Hence the complaint.



3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for 50 days from 23.11.2021 . Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner along with other accused attacked the deceased which caused death. He further submitted the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering the period of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate-IV, Vellore District, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c]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;

[d] the petitioner shall stay at Thiruvannamalai and appear before the Town Police station, Thiruvannamalai on every Tuesday, Wednesday and Sunday at 10.30 a.m., until further orders;

[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
12/01/2022

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.IV, VELLORE.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH (L AND O) POLICE STATION,
VELLORE DISTRICT.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THIRUVANNAMALAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.667/2022

Date :12/01/2022

RW 19/01/2022