



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2646 of 2022

1. Selvi @ Veera Selvi
2. K.Mahendran.

...Petitioners

Vs.

State rep. by
Inspector of Police,
Mannarkudi Town Police Station.
(Crime No.1627 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.1627 of 2021 on the file of the Respondent police.

For Petitioners : Mr.Arunkumar
for S.Parthasarathi

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioners who were arrested and remanded to judicial custody on 07.12.2021 for the offences under Section in Crime No.306 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours, due to previous enmity and depression made by the petitioners, the defacto complainant's mother has committed suicide. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he has been suffering incarceration for 26 days from 07.12.2021 and he would pray for grant of bail to the petitioners.



4. The Learned Government Advocate raised objection stating that the petitioners are neighbors to the deceased and the deceased is aged about 41 years, due to mental agony caused by the petitioners, the defacto complainant's mother committed suicide. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Metropolitan Magistrate No.1, Mannargudi 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 first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner has report before the respondent police on every Saturday at 10.30 a.m until further orders ;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
04/02/2022

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 METROPOLITAN NO.I
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MANNARKUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+2 CC to M/S.S.PARTHASARATHI Advocate on payment of necessary charges SR.NO.1947

CRL OP.2646/2022

Date :04/02/2022

INBA~07/02/2022