



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

CrI.O.P.No.2506 of 2022

Tamilselvan @ Vetriselvan

...Petitioner/Accused 15

Vs.

State rep. by
Inspector of Police (SHO),
Thirunallar Police Station,
Karaikal.
(Crime No.160 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in the event of arrest in Crime No.160 of 2021 on the file of the Respondent police.

For Petitioner : Mr.S.Kasirajan
for M/S D.Prasanna kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under Section 148, 302 and 307 of IPC r/w Section 149 of IPC and subsequently altered into Section 148, 302, 307, 120B and 109 IPC r/w Section 149 of IPC in Crime No.160 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the case of the prosecution is that on 22.10.2021 at 22.00 hours, when the deceased Devamani and the defacto complainant were proceeding to their house from the party office, at that time on the way near the Veterinary Hospital, Thirunallar Main Road, the petitioners herein and others headed by one Manimaran came in their vehicles carrying deadly weapons and assaulted Devamani on his head and all over the body and thereby caused fatal injuries and thereby committed murder due to previous enmity related to land dispute and tried to assault the defacto complainant but, he escaped from the place. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any 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 more than 60 days from 06.11.2021 and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that totally there are 15 accused involved in this case and there is no previous case against the petitioner and all the accused were secured and remanded to judicial custody and investigation was 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 and there is no previous case as against the petitioner, 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 Magistrate No.2, Karaikal, 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 report before the respondent police daily 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.

WEB COPY

-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 MAGISTRATE,
NO.II, KARAIKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 INSPECTOR OF POLICE (SHO),
THIRUNALLAR POLICE STATION,
KARAIKAL,

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE OFFICER INCHARGE,
SUB JAIL, KARAIKAL

CC to M/S.D.PRASANNA KUMAR Advocate on payment of necessary charges Sr.1903

CRL OP.2506/2022

Date :04/02/2022

RVR 07/02/2022