



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

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

Crl.O.P.No.9190 of 2022

Viswanadhan

.. Petitioner

Vs.

State Rep by,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Cr.No.1022 of 2019)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in **(*)S.C.No.5 of 2022** on the file of the Sessions Judge Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)
(CRL.OP.NO.9190/2022)

: M/S.S.SANTHOSH,
Govt. Advocate (Crl. Side)
(CRL.MP.NO.6380/2022)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.07.2021 for the offences under Sections 302, 201 altered into **(*)Sections 120B,449,394,302,201 r/w Section 34 of IPC** in Crime No.1022 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused entered into the house of the deceased and murdered him by using iron rod and snatched her jewels. Further, the petitioner along with the other accused sold the jewels and spent the amount. 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 based on the confession of the co-accused, he has been falsely implicated in this case. He would further submit that the petitioner is taking treatment for his health issue to that effect he has produced the medical report of the petitioner. He further submits that as per the FIR allegation the victim was killed by her husband not by the petitioner and the petitioner been suffering incarceration for more than 8 months from 26.07.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 2 accused in this case. The petitioner is arrayed as A1 and he is in the habit of stealing jewels and money from the women who are living separately in their house and habituated to commit murder after committing robbery. The A1/husband of the victim, who is arrested and released on bail. He would further submit that the investigation is completed and charge sheet has also been filed and taken on file in **(*)S.C.No.5 of 2022**. However, it is a case of murder for gain and hence, if the petitioner is released on bail, there is every possibility of the petitioner getting absconded and tampering the evidence.

5. Considering the facts and circumstances of the case the investigation almost completed and the charge sheet also taken of file and the co-accused released on bail, 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Court) Villupuram 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., for a period of three months and appear for the trial proceedings regularly;

(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/-

22/04/2022

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.

[*]Amended as per order of the court dated 19.05.2022 made in Crl.MP.NO.6380/2022 in Crl.O.P.No. 9190/2022 by The Hon'ble Mr Justice N. ANAND VENKATESH

TO

1 THE SESSIONS JUDGE
MAGALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT),
VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE INSPECTOR OF POLICE
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.U.PRESSANNA Advocate on payment of necessary charges SR.NO. 7383

CRL OP.9190/2022

Date :22/04/2022

RW 25/04/2022

RW-23/05/2022