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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.13887 of 2022

V.Anandan ..Petitioner/A17

Vs.

State rep. by
Inspector of Police,
Somangalam Police Station,
Kanchipuram District
crime No.539 of 2021 ..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.539 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2022 for the offence punishable under Section 174 Cr.P.C. altered into Sections 147, 148, 120(B), 201 and 302 of IPC in crime No.539 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant's son i.e. Vetrivel, who completed law at Chengalpattu Government Law College, was waiting for the result. On 14.09.2021, he went to search for a job to Irungattukottai using his education certificate. On that day, when the defacto complainant returned home, she found her son missing and on calling to him over phone, his cell phone was switched off. On her complaint, man missing case was registered. Thereafter, the body of the defacto complainant's son was found in Irungattukottai, pursuant to which it was found that A1 and others murdered the deceased.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A17 and he is an auto driver, who only dropped the other accused persons to the place of occurrence and only on the confession of A14, the petitioner has been arrayed as an accused. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 17 accused. A1 to A7 were detained under Goondas, whereas A8 to A16 got statutory bail. The petitioner/A17 is an auto driver and he dropped the other accused persons to the place of occurrence, where they brutally murdered the deceased aged about 23 years.

5. There are totally 17 accused, in which the petitioner is arrayed as A17. The occurrence took place on 14.09.2021. There was previous enmity between the first accused and the deceased and as such, A1 and his friends /A2 to A16 had taken the deceased and brutally attacked with deadly weapons. Therefore, he sustained injuries and died. As far as the petitioner is concerned, he is arrayed as A17 and his auto was seized since the auto was involved in the crime. Subsequently, on the application filed by the petitioner, the auto was returned to him. Thereafter, on the confession statement of A14, the petitioner has been implicated as an accused and he was arrested and remanded to judicial custody on 17.04.2022.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbudur and on further conditions 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/06/2022

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.No.9436

CRL OP.13887/2022

Date :17/06/2022

CSK 17/06/2022

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