



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

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

Crl.OP.No.14299 of 2022

Prasana Venkatesan

..Petitioner/ A2

Vs.

State Rep. by
Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District
crime No.1022 of 2019

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.5 of 2022 pending trial on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Villupuram in respect of crime No.1022 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.Kannan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2021 for the offences under Sections 120B, 449, 394, 302, 201 r/w Section 34 of IPC in SC.No.5 of 2022 pending trial on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at Villupuram in respect of 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. He further submits that as per the FIR allegation, the victim was killed by her husband not by the petitioner. He would further submit that the first accused was already granted bail by this Court in Crl.OP.No.9190 of 2022 dated 22.04.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would raise strong objection stating that there are totally 2 accused in this case. The petitioner is arrayed as A2 and A1 was arrested and released on bail by this Court. 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 and also considering that the co-accused has already been granted bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions. 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) at 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 trial court viz., Sessions Court, Magalir Neethi Mandram (Fast Track Mahila Court) at Villupuram daily at 10.30 a.m. and 05.30 p.m. until further orders.

[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.

[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.

WEB COPY

-sd/-
22/06/2022

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 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.K.KANNAN Advocate on payment of necessary charges
SR.NO. 9769

CRL OP.14299/2022

Date :22/06/2022

RW-23/06/2022