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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.25436 of 2021

Vicky @ Vignesh

...Petitioner

Vs.

The State Rep. By
The Inspector of Police
Annadanapatty Police Station
Salem.
(Crime No.951 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.951 of 2021 on the file the respondent police.

For Petitioner : Mr.M.Mohamed Yasin

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.11.2021 for the offence under Section 174 of Cr.P.C. altered into Section 306 IPC, in Crime No.951 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased had borrowed money from A1. On 15.11.201 at about 7 p.m., the petitioner along with other accused developed quarrel with the deceased with regard to loan amount and also attacked him. Thereafter, the public intervened and pacified them. Thereafter, at about 10 p.m., the accused persons went to the house of the defacto complainant's and scolded the deceased and attacked him. Due to which, at about 2.30 a.m., the deceased committed suicide. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 50 days from 16.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner/A2 is the brother of A1 and due to the mental stress caused by the petitioner and other accused, the deceased committed suicide but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.951 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-IV, Salem, 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 learned 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 on every Wednesday at 10.30 a.m. until further orders and shall co-operate for the investigation.

(e) the defacto complainant is permitted the withdraw the deposit amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) on proper identification and acknowledgement.



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(f) the petitioner shall not commit any offences of similar nature;

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
07/01/2022

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM.



5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. M .MOHAMED YASIN Advocate on payment of necessary
charges

CRL OP.25436/2021

Date :07/01/2022

TA-10/01/2022