



Crl.O.P.No.5021 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5021 of 2024

Viji

..Petitioner

Vs.

State represented by
The Inspector of Police,
Thopur Police Station,
Dharmapuri District.
(Crime No.333 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.333 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Chinnadurai

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner/A7, who was arrested and remanded to judicial custody on 30.12.2023 for the offences originally registered by the



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respondent Police under Section 174 Cr.P.C and subsequently altered to Section 302 IPC in Crime No.333 of 2023 on the file of the respondent, seeks bail.

2.The case of the prosecution is that when the defacto complainant was in his house, another relative Kaliappan, informed him that he was informed by another person Aanandu @ Singam that the deceased has been assaulted by various individuals and that the dead body has been thrown into Kettupatti Lake.

3.It is stated that when the respondent went over there, the petitioner had guided them to the body.

4.The learned counsel for the petitioner stated that the petitioner should be treated as a witness as he had identified the body and cannot be treated as an accused.

5.There are totally 10 accused. The prosecution has proceeded further with the investigation and they had recorded the statement of 29 witnesses. The post mortem formalities have also been completed.

6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject



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to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate No.II, Dharmapuri 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 everyday at 10.30 a.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



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Kerala [(2005)AIR SCW 5560].

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

19.03.2024

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To

- 1.The Judicial Magistrate No.II, Dharmapuri.
2. The Central Prison, Salem.
- 3.The Inspector of Police,
Thopur Police Station,
Dharmapuri District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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