

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.3109 of 2019

VISHWAGETHU

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.840 OF 2018.

For Petitioner : M/S.K.KANNAN Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.12.2018 for an offence under Sections 306 of IPC in Crime No.840 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that this petitioner had an illicit relationship with A1 and when the same was questioned by the deceased who was the brother of A1, this petitioner along with three other accused persons had assaulted him. Not able to bear the shock, the deceased is said to have committed suicide by hanging on 19.09.2018.

3.The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 21.12.2018 and he has been inside for more than 45 days. The learned counsel further submitted that he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that there was an illicit relationship between this petitioner and A1. When he was questioned by the deceased, the petitioner with the help of other accused assaulted him and due to unbearable pain and sufferings, the deceased committed suicide by hanging. The learned counsel further submitted that the investigating is pending.

5.This Court has carefully considered the submissions made on either side.

6. Taking into consideration the facts and circumstances of the case, and also the fact that this petitioner is in incarceration for more than 45 days, this Court is inclined to enlarge the petitioner on bail.

7. 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 Judicial Magistrate No. II, Villupuram 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 for a period of two weeks and then, once in week on Monday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[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]**.

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

-sd/-

07/02/2019

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.II, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

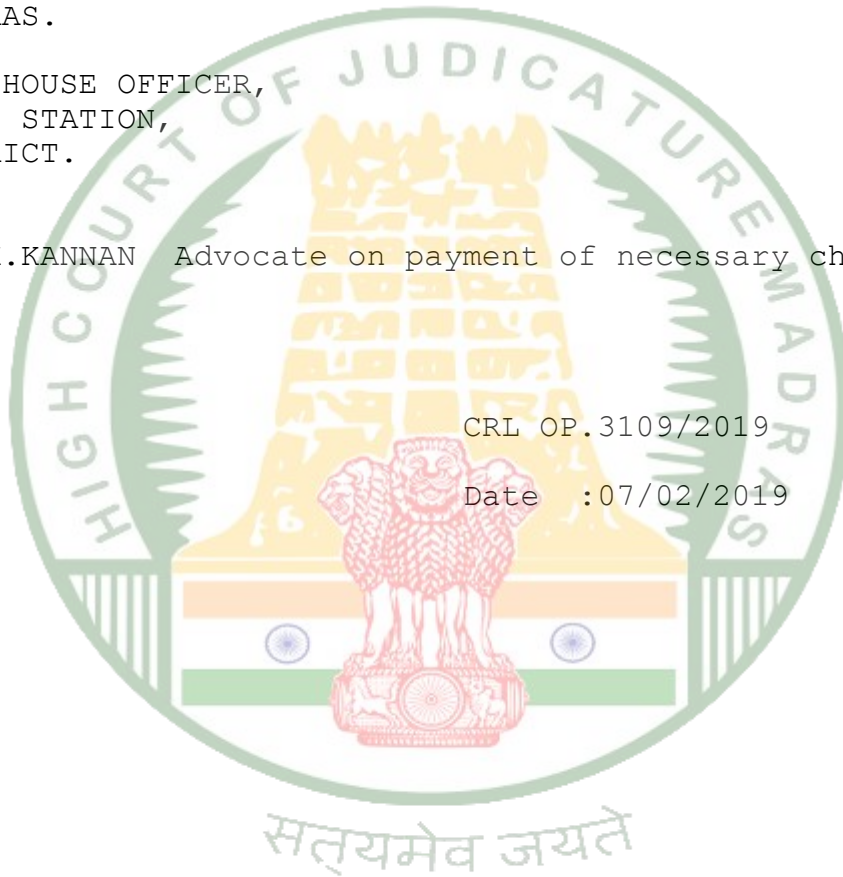
5 THE STATION HOUSE OFFICER,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.K.KANNAN Advocate on payment of necessary charges

CRL OP.3109/2019

Date :07/02/2019

RD 07/02/2019



WEB COPY