

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7047 of 2020

Stephen @ Stephenraj

... Petitione

Vs.

State rep. By

...Respondent

The Inspector of Police,
Sevvapet Police Station,
Thiruvallur.

(Crime No.21/2020)

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioner on bail pending investigation in Crime
No.21 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial
custody on 21.01.2020 for the offence under Section 174 of Cr.P.C.,
altered into 302 IPC, in Crime No.21 of 2020 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that on 18.01.2020 the
defacto complainant namely Geetha, mother-in-law of the deceased had
lodged a complaint stating that her son-in-law namely Gopal has got
second marriage with one Suganya, after the death of her daughter
Sheeba. On 17.01.2020 having doubt on the character of the said
Suganya, the deceased tried to attack her with a knife but,
unexpectedly the deceased fell down and the knife in his hands
pierced his chest and he died. Initially, the case was registered
under Section 174 Cr.P.C and later altered into 302 IPC after having
found the involvement of the petitioner.

3. The learned counsel for the petitioner submitted that he has been arrested on the allegation that he murdered the deceased with a knife to help the said Suganya. The learned counsel further submitted that on the date of occurrence, the deceased was in a drunken state, he threatened his wife Suganya by showing a knife. Due to his intoxication he fallen down and got knife injury accidentally and died. The said Suganya admitted the deceased in the Government Hospital, Thiruvallur, but he died. The petitioner has been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that initially the case was registered under Section 174 Cr.P.C., and after investigation, altered into 302 IPC after having found the involvement of the petitioner and other accused. The petitioner and other accused had stabbed the deceased on his chest and caused injury. Later, they have taken him to the hospital with injuries.

5. This Court by order dated 26.03.2020 released the petitioner on interim bail till 27.04.2020 by executing the own bond of Rs.10,000/- before the Superintendent of Central Prison concerned and directed the registry to post the matter before this Court for further orders on 20.04.2020. Hence, the matter came to be listed today before this Court. In view of the fact that the petitioner was already granted interim bail, this Court is inclined to grant bail to the petitioner and confirms the interim bail granted to the petitioner, subject to the following conditions:

a) It is seen that the petitioner had already executed own bond for Rs.10,000/- before the Superintendent of Central Prison and came out on bail as per earlier of this Court dated 26.03.2020. Therefore, the petitioner is exempted from executing new bond for granting bail.

b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[h] 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 petitioners 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered underSection229AIPC.

-sd/-

10/06/2020

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SEVVAPE POLICE STATION,
THIRUVALLUR DISTRICT,

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.7047/2020

Date :10/06/2020

TA-23/09/2020