

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7196 of 2020

Basappa (M/age 40/A1),
S/o. Thekkappa,
Doddipalli Village,
Kalingavaram Post, Shoolagiri Taluk,
Krishnagiri District.

... Petitioner

/Vs/

The State
Represent by Inspector of Police
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.70/2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in connection with Crime No.70 of 2020 for the offence punishable under Section 302 of IPC pending investigation on the file of the respondent police.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The case of the prosecution is that the deceased had illicit affair with the second accused in this case one Lakshmi who is the daughter-in-law of the petitioner

due to which, the son of the petitioner committed suicide. Thereafter, the said Lakshmi wanted to sever the relationship with the deceased Murali. However, he had been following her. Thereby, there was a quarrel due to which, the petitioner along with accused 2 and 3, assaulted the deceased as a result of which, he succumbed to injuries.

2. The learned Counsel for the petitioner submitted that this Court by order dated 16.04.2020 granted interim bail to the petitioner and that the co-accused 2 and 3 have been released on bail by this Court in Crl.O.P.No.6919 of 2020. Hence he prayed for grant of bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the petitioner along with other accused assaulted the deceased Mural who is the paramour of the second accused due to which, he succumbed to injuries. He would further submit that the investigation is pending. Hence, he strongly opposed for the grant of bail to the petitioner.

4. In view of the above facts and circumstances, the interim bail already granted to the petitioner by order dated 16.04.2020, is made absolute subject to the following conditions:

5. Accordingly, the petitioner is directed surrender before the concerned Magistrate and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety, for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Hosur, on or before 17.06.2020** and on further conditions that:-

[a] the petitioner and 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 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.

03.06.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Inspector of Police
Shoolagiri Police Station,
Krishnagiri District.

2.The learned Judicial Magistrate-I,
Hosur.

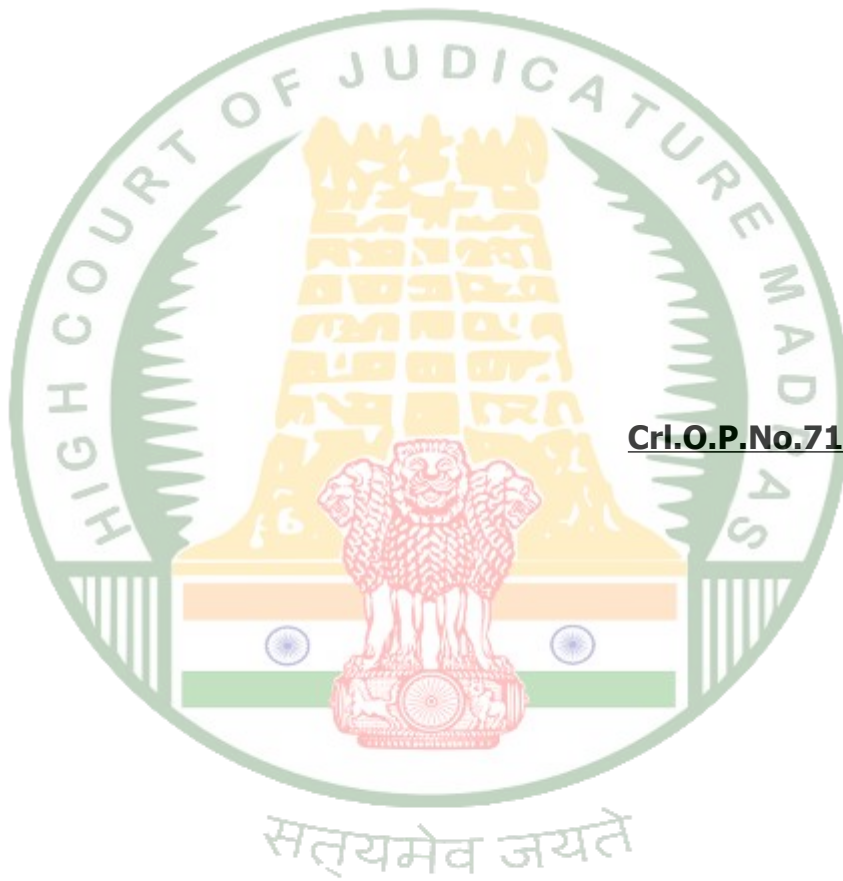
3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent
Central Prison, Salem.

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A.D.JAGADISH CHANDIRA,J.

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