

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.7681 of 2020

Prasanth

... Petitioner

Vs.

State by
Station House Officer,
Sethiyathope Police Station,
Cuddalore District.
(Crime No.186 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail concerned in Crime No.186 of 2019 on the file of the Station House Officer, Sethiyathope Police Station, Cuddalore District.

For Petitioner : Mr.K.Balu

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2020 for the offence punishable under Sections 147, 148, 341, 342, 323, 324 and 302 of IPC, in Crime No.186 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused assaulted and murdered the deceased / Revathi. Further averment is that the deceased is an already married women and had two children. On the date of occurrence the deceased eloped with one minor boy viz., Chinnamani @ Rajkumar aged about 17 of the same Village. Hence, the complaint.

3. The learned counsel for the petitioner would submit that A-1 in the case was released on statutory bail and there is no overt act attributed against the petitioner. It appears to be a case of honour killing and only charge against the petitioner is that he joined the father of the victim girl when they went in search of the girl. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and the co-accused have been already released on bail in CrI.O.P.No.29183 of 2019 and CrI.O.P.No.7360 of 2020 by this Court. Therefore, he prays for grant of bail to the petitioner.

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4. The learned Additional Public Prosecutor after reiterating the prosecution case as stated above, vehemently opposed to the grant of the bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, 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 on his release;

(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 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 as and when

required for interrogation;

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

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

(g) the petitioner shall not tamper with evidence or witness 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 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]***.

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

6. With the above directions, this Criminal Original Petition is ordered.

22.05.2020

Internet : Yes / No
kv

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M.NIRMAL KUMAR,J.

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To

1. The Judicial Magistrate No.I, Chidambaram.
2. The Superintendent, Central Jail, Cuddalore.
3. The Station House Officer, Sethiyathope Police Station, Cuddalore District.
4. The Public Prosecutor, High Court, Madras.



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