

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No.7996 of 2020

Siva

... 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 Cr.P.C. to enlarge the petitioner on bail in Crime No.186 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.Balu

For Respondent : Mr. Karthikeyan Swaminathan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2020 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 years of the same Village. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this petitioner is ranked as A16 and A1 in this 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 Crl.OP.Nos.29183 of 2019, 7360 of 2020 and 7681 of 2020 by this Court. Except this petitioner, all the other accused have been granted bail. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor after reiterating the prosecution case as stated above, admits that A3, A4, A6 and A8 were granted bail by this Court in Crl.OP.No.33207 of 2019 dated 16.12.2019, Crl.OP.No.7360 of 2020 dated 30.04.2020 and A15 was also granted bail. Further affirms that all the other accused were granted bail in this case and opposed the grant of bail to the petitioner.

4. Taking into consideration the facts of the case and the submissions made by the learned counsel that the occurrence had taken place on 01.09.2019 and the petitioner's overt act is that he had gone along with the father of the deceased in search of his daughter, the petitioner hailing from the same village it is natural to do so, further, all the co-accused have been granted bail, 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 (Bank: 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 Judicial 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.

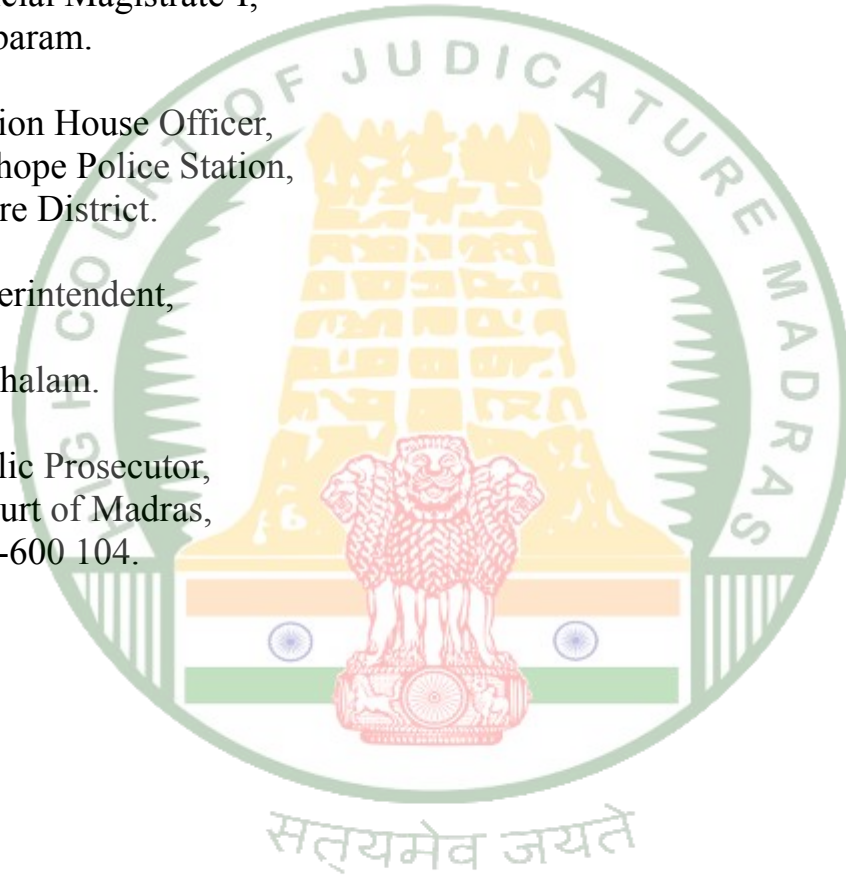
6. With the above directions, this Criminal Original Petition is ordered.

29.05.2020

kmi

To

1. The Judicial Magistrate-I,
Chidambaram.
2. The Station House Officer,
Sethiyathope Police Station,
Cuddalore District.
3. The Superintendent,
Sub Jail,
Viruthachalam.
4. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



WEB COPY

Crl. O.P. No. 7996 of 2020

M. NIRMAL KUMAR, J.

kmi



Crl. O.P. No. 7996 of 2020

WEB COPY

Dated: 29.05.2020