

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

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

CrI.O.P.No.8271 of 2020

Kannan @ Kannadasan

... Petitioner

Vs.

State Rep. by
Inspector of Police
Sethiyathope Police Station
Cuddalore District
(Crime No.186 of 2019)

.... 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.186 of 2019 on the file of the respondent police.

For Petitioner : Mr.A.Gopinath

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.04.2020 for the offences punishable under Sections 147, 148, 341, 342, 323, 324 and 302 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 victim one Revathy wife of one Jothi belonging to Vanniyar community eloped with one Chinnasamy belonging to Navithar community. Being aggrieved with the act of the said Revathy, which caused shame to their community, the victim was taken to the house of A2 who is an important person in the community and panchayat was conducted during which the accused have indiscriminately assaulted the said Revathy resulting in her death, committing offences under Sections 147, 148, 341, 342, 323, 324 and 302 IPC.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused A15 & 16 have been released on bail by this court in CrI.O.P.No.7681 of 2020 dated 22.05.2020 and in CrI.O.P.No.7996 of 2020 dated 29.05.2020 respectively. The petitioner is in custody from 21.04.2020 and the final report has not been filed so far.

4.The learned Additional Public Prosecutor would submit that the victim had eloped with the person belonging to some other community. Enraged by the act of the victim, the victim was brought to the village and panchayat was convened, during which time the victim was assaulted brutally, resulting in her death. He would admit that similarly placed persons are granted bail and anticipatory bail by this Court and investigation is completed.

5 Considering the facts and circumstances, that the petitioner is in custody from 21.04.2020 and other similarly placed persons are granted bail by this Court, this court is inclined to grant bail to the petitioner subject to the following conditions.

(a) accordingly, 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 and thereafter on his release.

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned The Judicial Magistrate No.I, Chidambaram, Cuddalore District within 15 days from the date of lifting of the lockdown and the commencement of the court's normal functioning, 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 Magistrare may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity,

(d) The petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

(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 entitle to take appropriate action against the pettiitioner 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.

-sd/-

29/06/2020

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.I, CHIDAMBARAM, CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SETHIYATHOPE POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S.A.GOPINATH Advocate on payment of necessary charges

CRL OP.8271/2020

Date :29/06/2020

RVR 18/08/2020

WEB COPY