

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

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

Crl.O.P.Nos.8285 & 8922 of 2020

Yuvaraj ... Petitioner in Crl.O.P.8285/2020

Madhankumar ... Petitioner in Crl.O.P.8922/2020

Vs.

State Rep. by
The Inspector of Police
F-3, Arambakkam Police Station
Thiruvallur District
(Crime No.494/2020) ... Respondent in both Crl.O.Ps.

COMMON PRAYER: These Criminal Original Petitions filed under section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in pending investigation in Crime No.494 of 2020 on the file of the respondent police.

For Petitioner in Crl.O.P.8285/2020 : Mr.K.S.Arumugam

For Petitioner in Crl.O.P.8922/2020 : Mr.S.Sasikumar

For Respondent in both Crl.O.Ps : Mr.K.Prabakar
A.P. P

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioner in Crl.O.P.No.8285 of 2020 was arrested and remanded to judicial custody on 09.05.2020 for the offences punishable under Sections 147, 448 and 302 IPC in Crime No.494 of 2020 on the file of the respondent police, seeks bail.

2.The petitioner in Crl.O.P.No.8922 of 2020 was arrested and remanded to judicial custody on 18.05.2020 for the offences punishable under Sections 147, 448 and 302, 120B IPC in Crime No.494 of 2020 on the file of the respondent police, seeks bail.

3.The case of the prosecution as per the defacto complainant / Kumaresan, his brother Munusamy and Sanjay his relative used to roam together and drink alcohol during the Covid 19 period. While so, one week prior to the occurrence i.e. 08.05.2020 around 21 hours, the brother of the defacto complainant had taken a knife and went to Sanjay / 1st accused home to settle the score, when he found the said Sanjay was not there in the house, the defacto complainant brought him back to the house, within 10 minutes, the said Sanjay and his associates came over to the house of the victim and assaulted the deceased with coconut stalks and kicked him, resulting in death of the deceased Munusamy. On a complaint given by Kumaresan, a case has been registered.

4.The learned counsel for the petitioners would submit that the defacto complainant's brother Munusamy is an aggressor, he attempted to assault the relative of the petitioner and there was a quarrel during which, the victim sustained injuries and died on the spot. The learned counsel would further submit that the petitioner in Crl.O.P.No.8285 of 2020 is inside the jail from 10.05.2020 and the petitioner in Crl.O.P.No.8922 of 2020 is in jail from 18.05.2020.

5.The learned Additional Public Prosecutor would vehemently oppose the said submissions and would submit that the victim is not an aggressor but the petitioners are the only aggressors. He would further submit that the petitioner in Crl.O.P.No.8285 of 2020 has got four previous cases and there is no previous cases pending against the petitioner in Crl.O.P.No.8922 and the investigation is pending.

6.Per contra, the learned counsel for the petitioner in Crl.O.P.No.8285 of 2020 would submit that the 4 previous cases registered against the petitioner are prior to the year 2017.

7.Taking into the consideration of the facts and circumstances and also considering the submissions made by the learned counsel for the petitioners, this court is inclined to grant bail to the petitioners subject to the following conditions.

(a)accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on his release.

(b) The petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) The petitioners shall not commit any offences of similar nature.

(f) the petitioners shall not abscond either during investigation or trial.

(g) the petitioners 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 petitioners 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 under Section 229A IPC.

6. With the above directions, these criminal original petitions are 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, PONNERI.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI.

3 THE OFFICER INCHARGE
SUB JAIL, THIRUVALLUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>

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5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

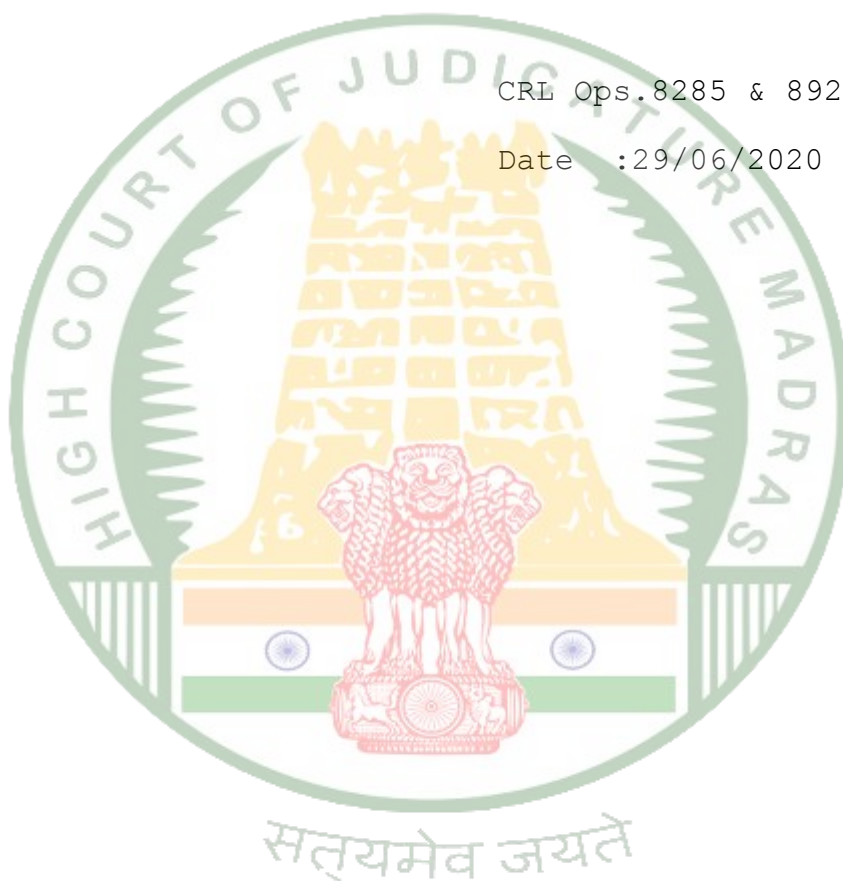
6 THE INSPECTOR OF POLICE,
F-3 ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S K.S.ARUMUGAM Advocate on payment of necessary charges

CRL Ops.8285 & 8922/2020

Date :29/06/2020

cs 23/07/2020



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