

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

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

Crl.O.P.No.8652 of 2020

1.Moorthy

2.Kadhiravan

.. Petitioners

/versus/

The State rep. by

The Inspector of Police,

Arani Taluk Police Station,

Arani, Tiruvannamalai District,

Crime No.250 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in Crime No.250 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 30.03.2020 for the alleged offence punishable under Sections 341, 294(b) and 302 of IPC in Crime No.250 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased and the accused/A1 belongs to different communities. The deceased was in love with A1's daughter namely Sharmila and that the deceased was warned by A1 and the deceased harassed the A1's daughter continuously. On a fateful day the deceased was walking along the lake for attending nature's call in the morning, A1 along with his sister's son waylaid the deceased and also attacked him with iron hammer on the head of the deceased, later A2 also attacked the deceased with the same hammer on the head of the deceased and that the deceased died on the spot.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the deceased was continuously harassing the first petitioner's daughter. He would also submit that the petitioners are in custody from 30.03.2020 and they are also inside for more than 86 days.

4. The learned Additional Public Prosecutor for the respondent would submit that the deceased had harassed the first petitioner's daughter, enraged by that the petitioners have waylaid the deceased and also attacked him with iron hammer, resulting in his death. He would further submit that the investigation is still pending.

5. Taking into consideration the facts and circumstances of the case and also taking note of the period of incarceration, 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), each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Arani, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police respondent every day at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled 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];

(j) 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/-

26/06/2020

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,
ARANI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
ARANI TALUK POLICE STATION,
ARANI

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.8652/2020

Date :26/06/2020

rd 21/07/2020