

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO. 8743 of 2020

Suresh Kumar

... Petitioner/A1

Vs.

State represented by
The Station House Officer,
Srimushnam Police Station,
Cuddalore District.
(Crime No.43 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.43 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sankara Subbu

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

सत्यमेव जयते *****

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ORDER

The Petitioner who was arrested and remanded to judicial custody on 27.02.2020 for the offences punishable under Section 302 of IPC, in Crime No.43

of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Kalaiyarasi was beaten and strangled to death by the petitioner and the occurrence has taken place on 26.02.2020.

3. The case of the prosecution is that one Kalaiyarasi who is the relative of the petitioner was beaten and strangled. The contention of the petitioner is that the said Kalaiyarasi was in friendly terms with the petitioner and they were in close contact. Misunderstanding this relationship, the said Kalaiyarasi compelled the petitioner to marry her. The petitioner was hesitant to marry her, Since the Kailaiyarasi is a sister as per relationship. Thereafter there was a fight between the petitioner and Kalaiyarasi and the petitioner had beaten her and the petitioner is not the reason for the death of the said Kalaiyarasi. The petitioner has been falsely implicated in this case and he has been in the prison from 27.02.2020.

4. The learned Public prosecutor submitted that the petitioner and Kalaiyarasi were having close relationship. Though they were brother and sister in relationship, they moved very closely and they had physical relationship between them. The parents of the said Kalaiyarasi made arrangements for her marriage with some other person. The said Kalaiyarasi was not interested in the

marriage and insisted the petitioner to marry her. At the time, the petitioner questioned the proposal of Kalaiyarasi stating that she is only a sister and refused to marry her and due to which the petitioner had beaten the deceased and strangled her to death. In this case, investigation is completed and charge sheet has also been filed before the Judicial Magistrate No.II, Virudhachalam.

5. Considering the facts and taking into consideration the facts and circumstances and period of incarceration of the petitioner, and the investigation of the case has been completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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]; and

(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.

16.06.2020

Internet: Yes/No

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To

1.The Judicial Magistrate No.II,
Virudhachalam.

2.The Station House Officer,

Srimushnam Police Station,

M.NIRMAL KUMAR.,J.

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Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

Copy to

The Superintendent,
Central Prison,
Cuddalore.



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