

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Cr1.O.P.No.9051 of 2020

1. Tamizharasu
2. Murugesan

...Petitioner

Vs.

State by

The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(Crime No.462 of 2019)

....Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail pending investigation in Crime No.462 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 09.05.2020 for the offence punishable under Section 302 of IPC, in Crime No.462 of 2019 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased Govindaraj had attacked the petitioner's father Perumal with Koduval, at that time, the petitioners along with A2 intervened to save Perumal from the attack. The petitioners on sudden provocation had attacked the deceased, who sustained injuries and later died. The earlier case registered against the deceased Govindaraj is Crime NO.464 of 2020 for the offence punishable under Sections 294(b), 323, 324 of IPC.

3. The learned counsel appearing for the petitioners would submit that the first petitioner's father Perumal was assaulted by the said Govindaraj. He would further submit that the petitioners came to know about the attack of Perumal. Thereafter, the said Govindaraj was injured and later he died. He would further submit that the deceased Govindaraj murdered his wife suspecting her fidelity for which he was arrested in Crime No.171 of 2019 for the offence under

Section 302 of IPC later he was released on bail. He would further submit Govindaraj suspected the petitioner's father Perumal to have had illegal relationship with his wife. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Further, he would submit that the petitioners are in judicial custody from 09.05.2020 and seek bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that petitioners had attacked the deceased. He would further submit that the said deceased earlier murdered his wife suspecting her fidelity. Thereafter, the said Govindaraj now attacked the first petitioner's father Perumal, the petitioners coming to know of the attack rushed to rescue their father. He would further submit that the investigation has been completed and the charge sheet to be filed.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and it was found that VAO had lodged a complaint in this case. Earlier, the said Govindaraj murdered his wife suspecting her fidelity. Further, the petitioners are arrayed as A1 and A3 and also taking note of the fact that the investigation is now completed, the petitioners have no bad antecedent. Further, the petitioners are in judicial custody from 09.05.2020, this Court is inclined to grant bail to the petitioner, 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 on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(f) the petitioner 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 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];

(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/-
19/06/2020

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 DISTRICT SESSIONS JUDGE
KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.9051/2020

Date :19/06/2020