

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

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

Crl.O.P.No.9319 of 2020

Dineshkumar

.. Petitioner

/versus/

STATE rep. by
The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur Taluk,
Kancheepuram District.
(Cr. No.566 /2020

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail in Crime No.566 of 2020 pending investigation on the file of the respondent police.

For petitioner : Mr.G.Punniyakotti

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.04.2020 for the alleged offences punishable under Sections 341, 302 r/w 34 of IPC in Crime No.566 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Shanmughasundaram @ Thirumalai developed illegal intimacy with the sister of the petitioner who is married to A1. The petitioner had been preventing his sister to have illegal relationship with the deceased, however, they were continuing their relationship and on the date of occurrence, the deceased was found in the company of the petitioner's sister, aggravated by this, the petitioner along with A1 his brother in law, assaulted the deceased with wooden log. When the deceased, who is a wire man in E.B. attempted to retaliate with the iron pipe, A2 snatched the iron pipe and assaulted the victim, resulting in the death of Shanmughasundaram @ Thirumalai.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that as per the case of the prosecution, the deceased was having illicit affair with the sister of the petitioner. A1 is the brother in law of the petitioner and further

submitted that the petitioner has been suffering incarceration from 25.04.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner's sister had illicit affair with the deceased Shanmughasundaram @ Thirumalai. When the petitioner and co-accused who is the brother in law of the petitioner came to know about this illegal affair, they assaulted the deceased with wooden log and iron pipe, resulting the death of the deceased. He further submitted that the investigating is still pending.

5.Taking into consideration of the facts and circumstances, 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 District Munsif cum Judicial Magistrate, Uthiramerur 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 petitioner shall report before the respondent police on Every Monday and Saturday at 10.30 a.m. for a period of three weeks, thereafter, 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 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.

24.06.2020

kas

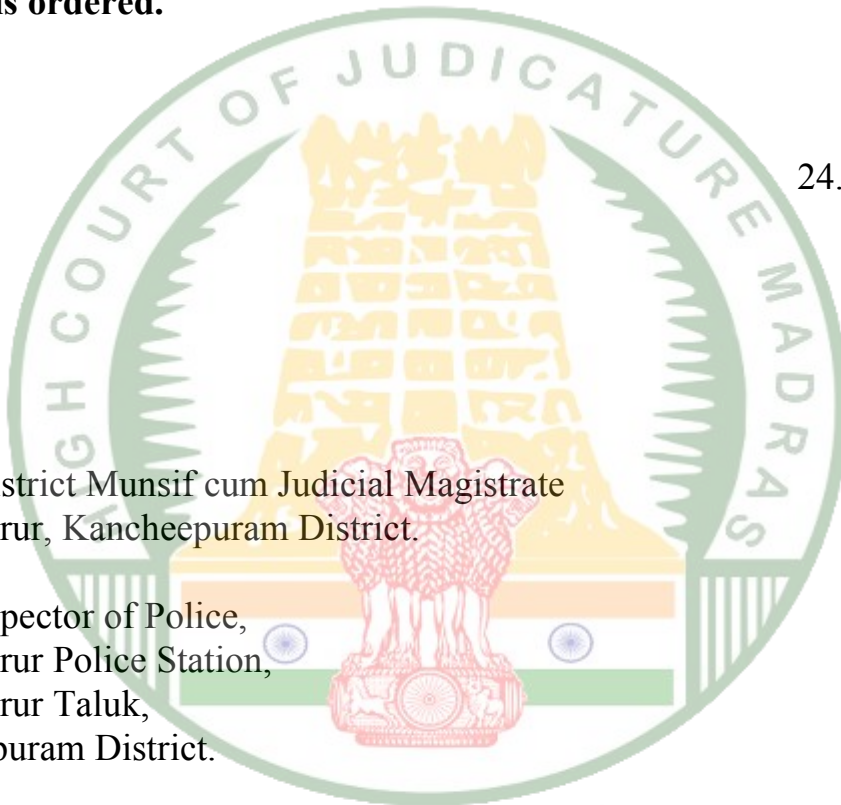
To

1. The District Munsif cum Judicial Magistrate
Uthiramerur, Kancheepuram District.

2. The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur Taluk,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent,
Central Prison,
Puzhal.

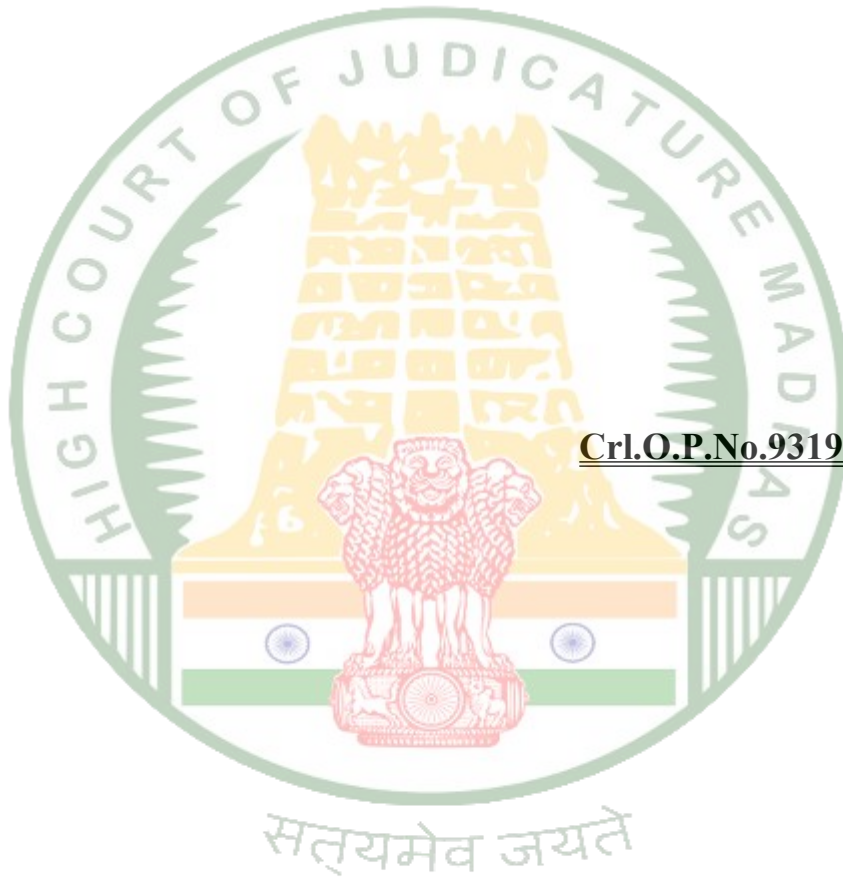


WEB COPY

Crl.O.P.No.9319 of 2020

A.D.JAGADISH CHANDIRA,J.

kas



Crl.O.P.No.9319 of 2020

WEB COPY

24.06.2020