

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2020

CORAM:

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

CrI.O.P.No.9414 of 2020

Jayakumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Uthiramerur Police Station,
Uthiramerur Taluk,
Kancheepuram District.
Crime No.566 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.566 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Pnniakoti

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

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

2. The case of the prosecution as per the defacto complainant is that due to previous enmity, the petitioner along with his brother-in-law assaulted the son of the defacto complainant with a wooden log, resulting in the death of the deceased/Shanmugasundaram.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of Divya and the deceased had illicit intimacy with his wife. When it was questioned by the petitioner and brother-in-law (brother of the wife of the petitioner,) the deceased, who is an electrician attempted to assault him with an iron pipe and as a retaliation, the petitioner and brother-in-law attempted to assault him with wooden log and there is no premeditation and the alleged occurrence is said to have been happened, during a sudden

fight.

4. The learned Additional Public Prosecutor would submit that the petitioner's wife Divya had illicit intimacy with the deceased/Shanmugasundaram, who is an employee in the Tamil Nadu Electricity Board. The petitioner, who is the husband of Divya and the brother of the said Divya warned him not to continue the relationship with Divya and that the petitioner and his brother-in-law had pre-planned and attacked the deceased with wooden log. In retaliation, the deceased attempted to attack the accused with the iron pipe. The accused had taken the iron pipe from the deceased and attacked him, due to which, the deceased suffered injury and succumbed to injuries.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration, 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), before the District Munsif cum Judicial Magistrate, Uthiramerur, within 15 days from the date of lifting of the lock down 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 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

(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/-

25/06/2020

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 MUNSIF CUM
JUDICIAL MAGISTRATE, UTHIRAMERUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
UTHIRAMERUR POLICE STATION,
UTHIRAMERUR TALUK,
KANCHEEPURAM DISTRICT.

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

सत्यमेव जयते

WEB COPY

CRL OP.9414/2020

Date :25/06/2020

rd 22/07/2020