

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. Nos. 9859 & 9860 of 2020

Yuvarani ... Petitioner in Crl.OP.
No.9859 of 2020

Mukesh ... Petitioner in Crl.OP.
No.9860 of 2020

-vs-

State represented by
Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District.
(Cr.No.819 of 2020) ... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 819 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr. G.Mageshkumar

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor
[IN CRL.OP.NO.9860 OF 2020]

For Respondent : MR.M.MOHAMED RIYAZ,
Additional Public Prosecutor
[IN CRL.MP.NO.4385 OF 2020
IN CRL.OP.NO.9860 OF 2020]

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Sections 294(b), 323, 302 IPC r/w. Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act in Crime No.819 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the de-facto complainant is that on 29.05.2020, there was a wordy quarrel between her family members and the accused due to burning of garbage and on the same day at 7.00 p.m. the petitioners have come to the house of the defacto complainant started a quarrel again and abused and assaulted the defacto complainant and her husband. Due to the same, the defacto complainant's husband had fallen down and sustained injury and died.

3.The learned counsel for the Petitioners would submit that the petitioners are innocent and they were arrested on 30.05.2020. He would further submit that the petitioners are neighbours of the defacto complainant and that there was a wordy quarrel due to burning of garbage behind the house and during the quarrel, there was a scuffle and that the defacto complainant's husband fallen down and sustained injuries and he was taken to hospital, where he was declared brought dead. He would further submit that absolutely there was no motive or intention to commit the murder and the incident had occurred only during the scuffle and there is no weapon used. He would further submit that the petitioners are prepared to comply with any stringent condition imposed by the Court and they are prepared to stay away.

4.The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are neighbours and that on 25.05.2020, there was a quarrel between the petitioners and the family members of the defacto complainant. During the quarrel, the petitioners have fisted and assaulted the defacto complainant and her husband with the hands and the same resulted in death of the defacto complainant's husband. He would further submit that the investigation is pending.

5.Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioners were in jail from 30.05.2020, 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), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Madurantagam 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 petitioners shall stay at Tindivanam and report before the Tindivanam police station everyday at 10.30 a.m. for a period of one week and thereafter on every Monday at 10.30 a.m., until further orders, the petitioners shall not enter into the jurisdiction of the respondent police /limits.

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

(f) the Petitioners 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 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];

(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/-
01/07/2020

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.

[*]Amended as per order of this Court dated 08/07/2020 made in
CRL.MP.NO.4385 OF 2020 IN CRL.OP.NO.9860 OF 2020

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT JAIL, CHENGALPATTU.

**[*]4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI**

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN (SPECIAL PRISON),
PUZHAL, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

8 THE OFFICER INCHARGE,
TINDIVANAM POLICE STATION,
TINDIVANAM.

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

CRL OP.9859 & 9860 OF 2020

Date :01/07/2020

MK:06/08/2020

MK:04/09/2020

WEB COPY