

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.9962 of 2020

1.Mohamed Riyas @ Balamurugan  
2.Ram Deepk

... Petitioners

Vs.

The State by Station House Officer  
Karaikal Police Station  
Karaikal  
(Crime No.212 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.212 of 2020 pending on the file of Karaikal Town Police Station, Karaikal.

For Petitioners : Mr.R.Murugabarathi

For Respondent : Mr.Balamurugan  
Addl.Public Prosecutor (Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 06.06.2020 for the offence punishable under Sections 302, 323, 201 IPC r/w 34 IPC in Crime No.212 of 2020, seek bail.

2. The case of the prosecution is that the defacto complainant Jayalakshmi is the wife of the deceased. The petitioners and the defacto complainant are neighbours. The son of the 1<sup>st</sup> petitioner disconnected the common electrical connection, thereby, there was a dispute between them. While so, on the date of occurrence quarrel arose between them, during which time, the petitioners have assaulted the husband of the defacto complainant and they kicked him, strangulated him and hit his head against the wall and committed the murder of the defacto complainant's husband.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent. He would further submit that the deceased and the defacto complainant are the aggressors, they came to their house and picked up quarrel, during that time, there was a scuffle. It was neither their intention nor motive to commit murder of the victim and during the scuffle, the incident had occurred. The

petitioners are prepared to abide by any stringent conditions imposed by this Court, accordingly, prays to enlarge the petitioners on bail.

4.Mr.Balamurugan, learned Additional Public Prosecutor (Puducherry) would submit that during the quarrel, the petitioners have assaulted the defacto complainant's husband. The 1<sup>st</sup> petitioner dashed the head of the deceased towards the wall, resulting in him sustaining injures. The 2<sup>nd</sup> petitioner kicked the deceased in his legs, stomach and all over the body. Investigation is pending. He would further state that the 2<sup>nd</sup> petitioner is the native of Nepal and there is every chance he would abscond if he is let on bail.

5.At this juncture, learned counsel appearing for the petitioners would submit that the 2<sup>nd</sup> petitioner is prepared to deposit his passport before the learned Judicial Magistrate concerned and he is also prepared to furnish local sureties from the Union Territory of Puducherry.

6.Taking into consideration of the facts and circumstances and also the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, 2<sup>nd</sup> the petitioner is ordered to be released on bail after surrendering his passport and after furnishing two sureties from the Union Territory of Puducherry for a sum of Rs.10,000/- (Rupees ten thousand only) each before the learned Judicial Magistrate II, Karaikal and 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 1<sup>st</sup> 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;

(c) the 1<sup>st</sup> petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate II, Karaikal, 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;

(d) 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;

(e) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter on every Monday at 10.30 am. until further orders.

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

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-

08/07/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, KARAİKAL

2 THE PUBLIC PROSECUTOR  
PUDUCHERRY

3 THE SUPERINTENDENT,  
CENTRAL JAIL, PONDICHERRY

4 STATION HOUSE OFFICER,  
KARAİKAL TOWN POLICE STATION,  
KARAİKAL,

CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges

CRL OP.9962/2020

Date :08/07/2020

RVR 28/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>