

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2020

CORAM :

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

CrI.O.P.No.10050 of 2020

1.Vijayakumar@ Viji
2.Ajam
3.Balakrishnan

... Petitioners

Vs.

State rep. by its
The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
(Cr.No.1604 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.1604 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Krishna moorthy

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 10.06.2020 for the offences punishable under sections 174 (1) Cr.P. C @ 294(b), 323, 302, 201 of IPC in Crime No.1604 of 2020 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant Sathya is that her husband who was working in Bangalore, had come back to his native place and on 08.06.2020, her husband had gone out from the house with one person for playing cards. At that time, wordy quarrel arose between the husband of the defacto complainant and the accused persons. Again she had seen, her husband fighting with somebody. On the next day, he had gone out of the house and she received an information that her husband was found dead inside a well. Initially the case was registered under section 174 Cr.P.C. Thereafter, during enquiry it came to light that the defacto complainant's husband was pushed inside the well and he died, as a result of which, the offence was altered into Sections 294 (b), 323, 302, 201 of IPC.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On the earlier day, there was a quarrel between the petitioners and the deceased. Even as per the complaint no one has seen the occurrence and the the petitioner was implicated based on the confession statement recorded from the other accused. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that there was a wordy quarrel between the petitioners and the deceased due to which, while playing cards, the petitioners had assaulted the deceased and pushed him inside a well resulting in the death of the deceased. He further submitted that investigation is pending. Hence, he vehemently opposed to grant bail to the petitioners.

5.Taking into consideration of the facts and circumstances and the submissions made by the of the learned counsels and also considering the period of incarceration by the petitioners from 10.06.2020, 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) each, before the Superintendent of the concerned prison, in which the petitioner 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 Judicial Magistrate, Chengam, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 Tiruvannamalai and report before the Inspector of Police, Tiruvannamalai Town Police Station, daily at 10.30 a.m for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.**

(e) **It is made clear that the petitioners shall not enter into the Jurisdictional limit of the Tanipadi Police station 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/-
13/07/2020

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE INSPECTOR OF POLICE
THANIPADI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

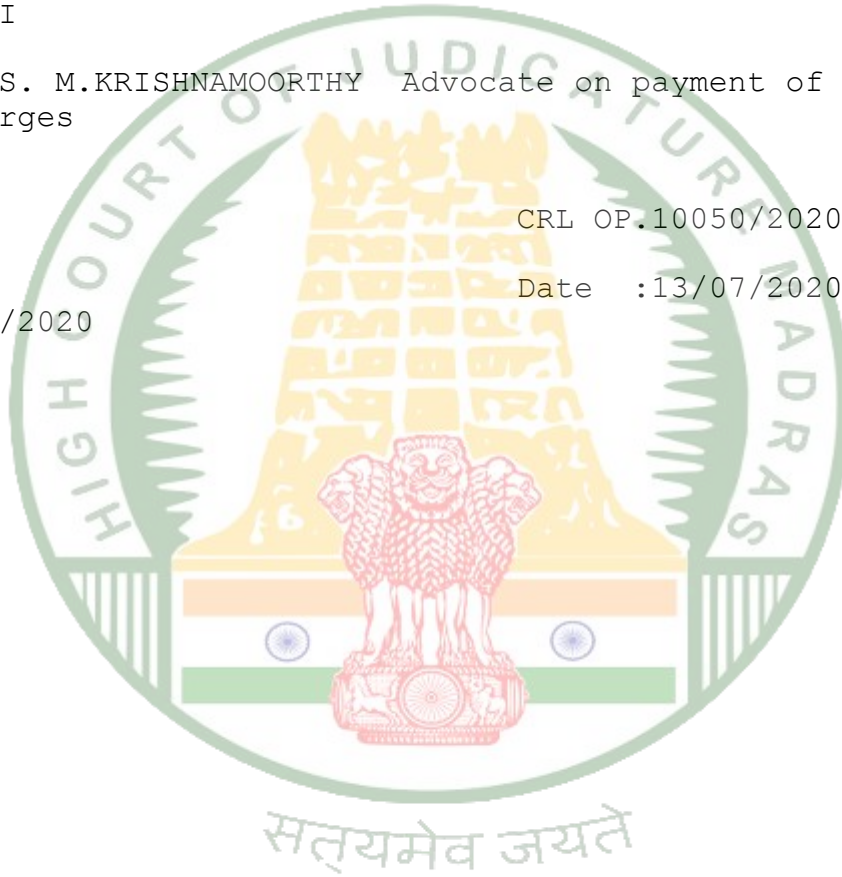
6 THE INSPECTOR OF POLICE
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI

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

CRL OP.10050/2020

Date :13/07/2020

GKS (CS) :07/08/2020



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