

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2020

CORAM :

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

CrI.O.P.No.10131 of 2020

V.Nagaraj

... Petitioner

Vs.

State Rep. by its
The Inspector of Police
H-8, Thiruvottiyur Police Station
Thiruvottiyur, Chennai
(Crime No.807 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.807 of 2020 pending investigation on the file of the Inspector of Police, H-8, Thiruvottiyur Police Station, Thiruvottiyur, Chennai.

For Petitioner : Mr.S.Ponnivalavan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.04.2020 for the offence punishable under Sections Man Missing @ 341, 147, 148, 323, 294(b), 302, 201 r/w 120(B) IPC, 1860 in Crime No.807 of 2020, seeks bail.

2. The case of the prosecution is that initially based on the complaint given by one Revathi that her son named Jayaraman, 18 years was missing, a case has been registered for the offence under Section 'man missing'. Later, during the investigation, the fact came to light that the deceased and the other accused persons are ganja addicts, while they consumed ganja, quarrel arose between them, due to which, the petitioner along with other 5 accused persons committed the murder of the deceased and buried the body in the sea shore thereafter, a case was altered to 341, 147, 148, 323, 294(b), 302, 201 r/w 120(B) IPC.

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, since he seems to be the friend of the other accused. There was no eye witness to implicate this petitioner, only based on the confession, the respondent police had arrested the

petitioner and he is inside the prison for more than 72 days. He would further submit that other two accused are juveniles.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner and the other accused persons are friends and on the fateful day, they were having ganja and there was a quarrel between the accused persons and the deceased, due to which, the accused persons assaulted the deceased resulting in his death. The body of the deceased was buried in the sea shore. He would further submit that the major part of the investigation is over and they are waiting for the chemical report. There is no previous case pending against this petitioner.

5.Taking into consideration of the facts and circumstances and also the submissions made by the learned counsel, 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 Judicial Magistrate, Thiruvottiyur, Chennai, 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 daily at 10.30 a.m. for a period of two weeks, thereafter on every Monday at 10.30 am. until further orders.

(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

(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/-

06/07/2020

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,
THIRUVOTTIYUR, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
H 8, THIRUVOTTIYUR POLICE STATION,
THIRUVOTTIYUR CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.10131/2020

Date :06/07/2020

RVR 28/08/2020

WEB COPY