

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2020

CORAM :

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

Crl.O.P.No.10138 of 2020

Gajendran

... Petitioner

Vs.

State rep. by its
Inspector of Police
NAGAPATTINAM TOWN Police Station
Nagapattinam District
(Crime No.455 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.455 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 10.05.2020 for the offence punishable under Sections 302 IPC @ 302, 457 & 380 IPC in Crime No.455 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Ganapathy is that he was informed by the care taker one Aisha Bivi that his paternal uncle Rajkumar, aged about 73 years was found dead by tying electric wire on his neck. Based on the complaint given by the said Ganapathy, a case has been registered in Crime No.455 of 2020 for the offence 302, 457 & 380 IPC. During the course of investigation, it was found that the petitioner had committed the murder of the deceased by strangulating him with electric wire and taken away a sum of Rs.500/-.

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. He would further submit that even as per the statement recorded from the said care taker Aisha Bivi, she has stated that quarrel arose between the petitioner and the deceased and they are known to each other. The petitioner was doing carpentry

work in the residence of the deceased and there was a wordy quarrel the prior evening. He would further submit that it is not a murder for gain. They had a quarrel in respect of pending dues for the carpentry work done by the petitioner, but the respondent police projected it as a case of murder for gain.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was doing carpentry work in the house of the deceased and demanded money for the work, when the same was refused by the deceased, the petitioner committed murder by strangulating with an electric wire on his neck and had taken away a sum of Rs.500/- from the deceased. He would further submit that the investigation is pending and the petitioner is a resident of Nagapattinam and has a permanent residence. No previous case.

5.Taking into consideration of the facts and circumstances and also the submissions of 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 - I, Nagapattinam, 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. 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,
NO.I, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM

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

CRL OP.10138/2020

Date :06/07/2020

RVR 28/08/2020

WEB COPY