

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

Crl.O.P.No.10197 of 2020

K.Ponnusamy

... Petitioner

Vs.

The State

Rep. by Inspector of Police
Kalavai Police Station
Kalavai, Arcot Taluk
Vellore District
(Crime No.196 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.196 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Udayachander

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 13.06.2020 for the offence punishable under Section 302 IPC in Crime No.196 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant's husband had gone to irrigate the field in the morning, he did not come back. After due search, the defacto complainant, the wife of the deceased found him dead with head injuries. Based on the complaint given by the defacto complainant, a case was registered in Crime No.196 of 2020.

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 as per the defacto complainant, there is no eye witness and only on suspicion, the petitioner was arrested by the respondent police.

4.The learned Government Advocate (Crl. Side) would submit that when the deceased went through the accused's land to irrigate his field, the accused objected the deceased and attacked him with stones and causing his death. The learned counsel would further submit that there is no eye witness and during the course of investigation, the fact came to the light that since the deceased crossed through the

petitioner's field, the petitioner had assaulted the deceased with stone, resulting in the death. He would further submit that on an earlier occasion in the year 1981 also, the petitioner / A1 had involved in 302 IPC, which later ended in acquittal.

5. Taking into consideration of the facts and circumstances and also considering 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, Arcot, Vellore District, 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 stay at Chennai and report before the Maduravoyal 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) 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 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/-

07/07/2020

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,
ARCOT, VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KALAVAI POLICE STATION,
KALAVAI, ARCOT TALUK,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE,
VELLORE DISTRICT.

5 THE OFFICER INCHARGE,
MADURAVOYAL POLICE STATION,
CHENNAI.

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

CRL OP.10197/2020

Date : 07/07/2020

RVR 02/09/2020

WEB COPY