

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM :

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

Crl.O.P.No.10353 of 2020

Sathi

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Nemili Police Station
Nemili, Ranipet District
(Crime No.251 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.251 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.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 24.05.2020 for the offence punishable under Sections **(*302, 147, 148, 294(b) and 324 IPC** in Crime No.251 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.05.2020 the defacto complainant's nephew Kumar informed him over phone that his son Bharathidasan was found dead near the rice mill, Kilvenkatapuram. Based on the complaint given by the defacto complainant, a case in Crime No.251 of 2020 was registered under Section 302 IPC. During the course of investigation, the fact came to the light that the petitioner along with other accused had committed the murder of the deceased.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case since the petitioner happened to be the friend of the main accused. Nos.1 and 3 in who have been detained under Act 14. Major part of the

investigation is over. The petitioner is A6 and his specific overt act is that he attacked the deceased along with the other accused. The learned counsel for the petitioner would further submit that the deceased happened to be a notorious element and a close associate of one Kanchipuram Sridhar and the deceased has got so many enemies other than the present accused persons. He would further submit that there are no previous cases against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner joined along with the other accused and committed the murder of the son of the defacto complainant. He would further submit that the main accused A1 and A3 have been detained under the Act 14. This petitioner has no previous cases.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and also taking note of the fact that the petitioner is in incarceration from 24.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(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 Judicial Magistrate, Arakkonam, within 15 days from the date of lifting of 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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

(e)it is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently;

(f)the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court;

(g)the petitioner shall not commit any offences of similar nature;

(h) the petitioner shall not abscond either during investigation or trial;

(i) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(j) 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];

(k) 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/-

09/07/2020

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.

(*) Amended as per order of this Court dated 22.07.2020 made in Crl.MP.No.4507/2020 in Crl.OP.No.10353/2020

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
NEMILI, RANIPET DISTRICT.

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

CRL OP.10353/2020

Date :09/07/2020