

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2020

CORAM :

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

Crl.O.P.No.10415 of 2020

Balaji

... Petitioner

Vs.

State rep. by
The Inspector of Police
Manavalanagar Police Station
Thiruvallur District
(Crime No.379 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.379 of 2019 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.D.Bennington

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 30.05.2020 for the offence punishable under Sections 324, 307, IPC @ 302 IPC, in Crime No.379 of 2019, seeks bail.

2. The case of the prosecution as per the defacto complainant Kala is that her daughter Gayathiri / victim was married to one Nagaraj. The victim left her husband and was living with the petitioner. While so, on 27.12.2019, quarrel arose between the petitioner and the victim, during which, the petitioner stabbed the de-facto complainant's daughter with kitchen knife, due to which, the victim sustained injuries to her stomach and back of her body. Thereafter, she was taken to the hospital and died after 9 days. Originally a case was registered for the offence 324, 307, IPC and after the victim succumbed to death, it was altered to 302 IPC.

3. The learned counsel appearing for the petitioner would submit that the occurrence took place on 27.12.2019. He would further submit that during the quarrel, the deceased also stabbed him back in his stomach and he has also sustained injuries and is still taking treatment in Stanely Medical College Hospital for the stab wound in the stomach. The petitioner was arrested on 30.05.2020.

4.The learned Government Advocate (Criminal Side) would submit that the deceased Gayathri aged 23 years was earlier married to one Nagaraj. Thereafter, she left her matrimonial home and was living with this petitioner in Arakkonam. While so, quarrel arose between them, during which, both of them have attacked each other with knife and caused injuries to each other. The deceased died 9 days after the occurrence. The petitioner is also taking treatment at Stanely Medical College Hospital.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 30.05.2020, 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) each, before the Superintendent of the concerned prison, in which the petitioner has been confined 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 No.II, Thiruvallur, 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 and thereafter on the 1st Monday of every month 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
10/07/2020

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.II, THIRUVALLUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANAVALANAGAR POLICE STATION,
THIRUVALLUR DISTRICT.

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

WEB COPY

CRL OP.10415/2020

Date :10/07/2020

cs 04/08/2020