

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2020

CORAM :

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

Crl.O.P.No.10752 of 2020

Rajarajan

... Petitioner

Vs.

State rep. by The Inspector of Police
Peralam Police Station
Thiruvarur District
(Crime No.994 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.994 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

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 18.05.2020 for the offences punishable under Section 294 (b), 302 IPC, in Crime No.994 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Banumathi is that on 17.05.2020, due to previous enmity, the petitioner abused the deceased with filthy language and assaulted him with machete on the left side of the stomach and also on the left leg, due to the said assault, the deceased succumbed to injuries and died. The defacto complainant Banumathi is the mother of the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and the alleged occurrence is said to have taken place during the domestic quarrel. The petitioner is the brother of the deceased. He would further submit that the petitioner was arrested on 17.05.2020 and he is judicial custody for more than 60 days.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner had committed the murder of his own brother. The defacto complainant is the mother of the petitioner and the deceased. He would further submit that the investigation has been completed and the final report has been filed before the Judicial Magistrate, Nannilam and it is yet to be taken on file.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the petitioner is in custody from 17.05.2020, 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 condition to execute 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Nannilam, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 appear before the learned Judicial Magistrate, Nannilam, 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/-
20/07/2020

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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
THIRUTHURAIPOONDI SUB JAIL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.10752/2020

Date :20/07/2020

MK:17/08/2020