

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.10781 of 2020

1.Aravinth
2.Gobi
3.T.Karthick
4.A.Saranraj
5.Rajesh
6.K.Subramaniyan
7.S.Ananth

.... Petitioners

Vs.

State rep. by
The Sub-Inspector of Police
Perambalur Police Station
Perambalur District
(Crime No.1598 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.1598 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Jim Raj Milton

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 02.06.2020 for the offences punishable under Section 147, 148, 294(b), 323, 324 and 302 IPC, in Crime No.1598 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant is that on 01.06.2020 at about 8.30 p.m., the accused persons joined together and went to the house of the defacto complainant and abused him with filthy language and dragged his son Kabilan outside the house and assaulted him with hands and knives indiscriminately, caused stab injury resulting in the death of his son.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the deceased Kabilan is a notorious element and there are several cases pending against him before the respondent police. The deceased Kabilan also had several enemies. He would further submit that the petitioners are in judicial custody for more than 40 days and the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would submit that the deceased Kabilan had proposed love to the daughter of A7 and A8 in this case, due to which, there was a dispute. Hence, on 01.06.2020, the petitioners along with other accused have gone to the house of the defacto complainant, pulled the defacto complainant's son outside the house, inflicted injuries with knife and assaulted the deceased. When he was taken to the hospital, there he was declared dead.

5.At this juncture, the learned counsel for the petitioners would submit that the petitioners are prepared to abide by any stringent conditions to be imposed by this Court.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the petitioners are in custody from 02.06.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.I, Perambalur, **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 petitioners shall stay at Trichy and report before the Cantonment Police station daily at 10.30 a.m. until further orders. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent police.**

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 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.

7. 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

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.I,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

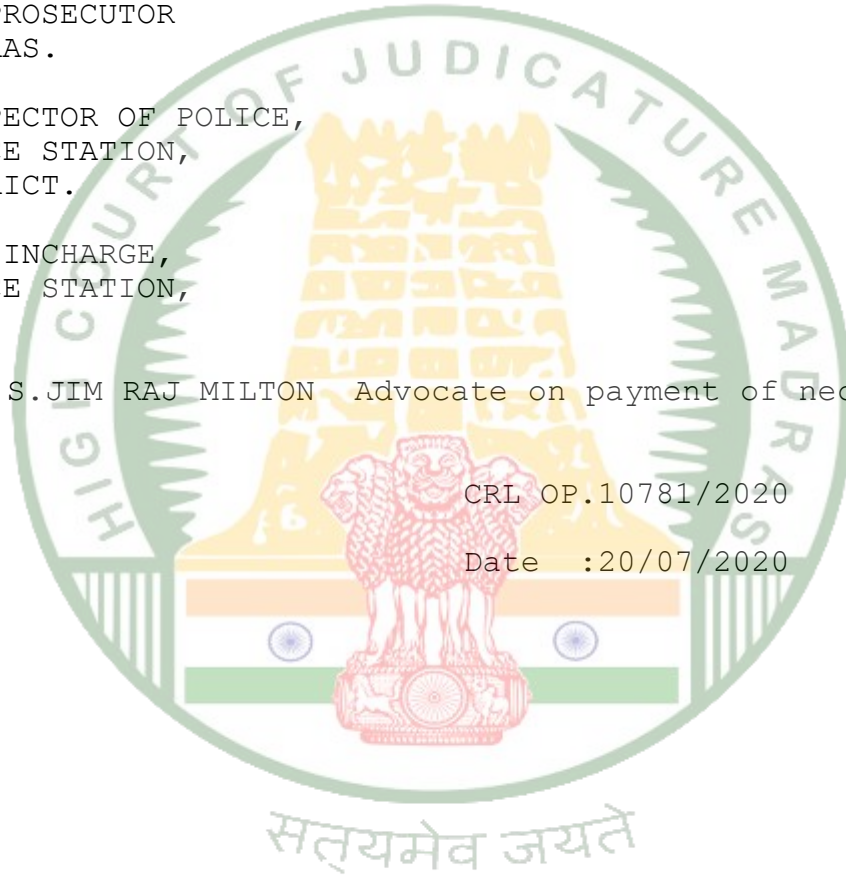
6 THE OFFICER INCHARGE,
CANTONMENT POLICE STATION,
TRICHY.

CC to M/S. S.JIM RAJ MILTON Advocate on payment of necessary
charges

CRL OP.10781/2020

Date :20/07/2020

MK:17/08/2020



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