

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2020

CORAM :

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

Crl.O.P.No.11263 of 2020

Madhavan

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Arambakkam Police Station
Thiruvallur District.
(Crime No.494 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.494 of 2020 pending investigation on the file of the Inspector of Police, Arambakkam Police Station, Thiruvallur District.

For Petitioner : Mr.R.Muthukumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.05.2020 for the offences punishable under Section 147, 448, 302, 120 B IPC, in Crime No.494 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant / Kumaresan, is that the petitioner and the deceased are relatives and they have the habit of consuming GANJA. When the deceased refused to part with GANJA, quarrel arose between them. On 08.05.2020, the petitioner along with other accused had gone to the house of the deceased and attacked him with coconut stalks and also assaulted him with hands and legs, resulting in the victim sustaining injuries which resulted in caused his death.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant's brother Munusamy is an aggressor, he attempted to assault the petitioner and there was a quarrel during which, the victim sustained injuries and died on the spot. The

learned counsel would further submit that the petitioner is in jail from 10.05.2020. Co accused in this case have been granted bail by this Court vide order dated 29.06.2020 in CrI;O.P.Nos.8922 & 8285 of 2020 and vide order dated 17.07.2020 in CrI.O.P.No.10658 of 2020.

4.The learned Government Advocate (CrI. Side) would vehemently oppose the said submissions and would submit that the victim is not the aggressor but the petitioner is the aggressor. He would further submit that there are no previous cases pending against the petitioner and the investigation is pending.

5.Taking into the consideration of the facts and circumstances and also considering the submissions made by the learned counsel for the petitioner, 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 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned the District Munsiff cum Judicial Magistrate, Gummudipoondi, **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. 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 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

(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/-
28/07/2020

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 DISTRICT MUNSIFF CUM JUDICIAL
MAGISTRATE, GUMMUDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary
charges SR.NO.5796

CRL OP.11263/2020

Date :28/07/2020

TA-30/07/2020

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