

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10925 of 2020

Karuppan @ Deenathayalan

... Petitioner

Vs.

State

Sub Inspector of Police

Nemili Police Station

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.G.Mohanakrishnan

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 25.05.2020 for the offence punishable under Section 302 IPC @ 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 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, who have been detained under Act 14. Major part of the investigation is over. The petitioner is A5 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. He would further submit that the co-accused have been granted bail by this Court in Crl.O.P.No.10353 of 2020 vide order dated 09.07.2020 and Crl.O.P.No.10648 of 2020 vide order dated 16.05.2020.

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.

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 co-accused in this case have been granted bail in Crl.O.P.No.10353 of 2020 vide order dated 09.07.2020 and Crl.O.P.No.10648 of 2020 vide order dated 16.05.2020, 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 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)the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Arakkonam, **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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police for a period of two weeks and thereafter 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/-
22/07/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPETTAI DISTRICT.

6 THE OFFICER INCHARGE,
SUB-JAIL, ARAKKONAM

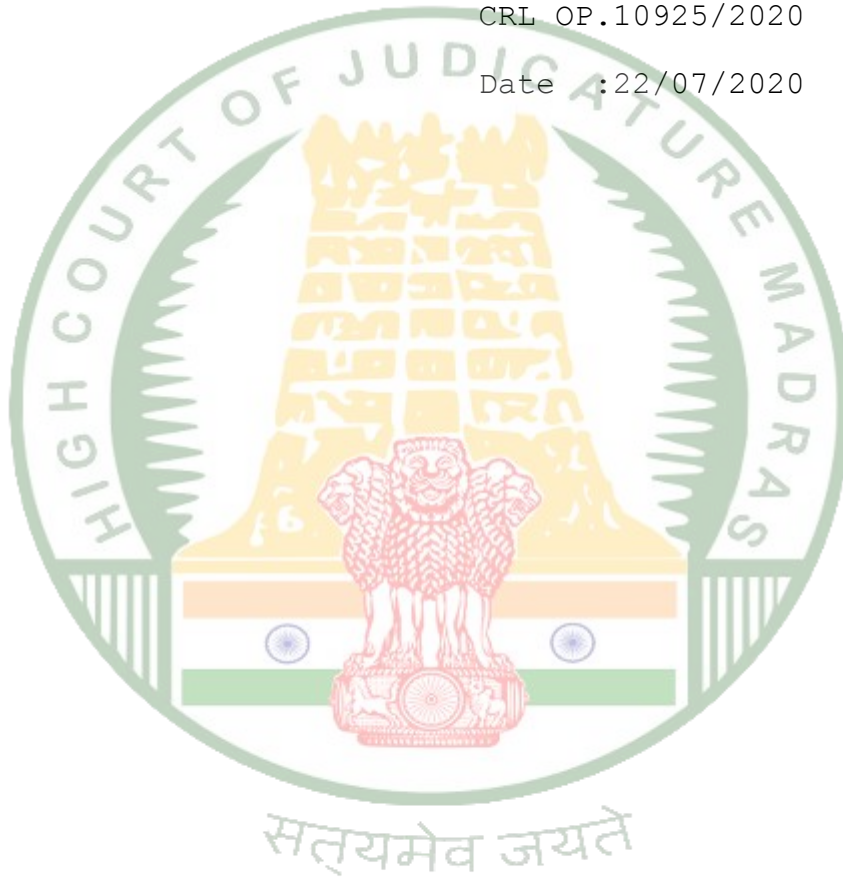
CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary
charges

CRL OP.10925/2020

Date :22/07/2020

MK:19/08/2020

MK:09/09/2020



WEB COPY