



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.11190 of 2020

1.S.Aravinda Kumar
S/o.M.Senthil Kumar

2.G.Selvakumar Gandhi
S/o.Gandhi

... Petitioners

Vs.

State rep. by
The Inspector of Police
E-1, Singanallur Police Station
Coimbatore District
(Crime No.1040 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1040 of 2020 pending on the file of the Respondent Police.

For Petitioners : Mr.R.Radha Pandian

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 17.05.2020 for the offences punishable under Section 302 IPC, in Crime No.1040 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant is that one Savithiri, who is the sister in law of the deceased had illegal intimacy with A1. A1 used to torture her, hence the same was informed to the deceased, so, the deceased used to make phone calls to A1 and there was a wordy quarrel between them. While so, on the date of occurrence i.e. on 17.05.2020, the petitioner along with other accused went to the house of the deceased and attacked him with wooden log on his head, due to which, the victim died on the spot.

3.The learned counsel appearing for the petitioners would submit that that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that since the petitioners happened to be the friends of A1 Rajan, the petitioners were arrested on 17.05.2020 and in custody for more than two months.



He would further submit that the major part of the investigation is over.

4. The learned Government Advocate (Crl. Side) would submit that A1 had illicit intimacy with the sister in law of the deceased. Therefore, A1 continuously harassed her and when the deceased had questioned A1, he along with other accused went to the house of the deceased and attacked him with wooden log on the head, due to which, the deceased suffered head injuries and died on the spot. The petitioners were arrested on 17.05.2020 and investigation is pending.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, 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) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.3, Coimbatore, 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 report before the respondent police daily at 10:30 a.m until further orders.

(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 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];

(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 JUDICIAL MAGISTRATE,
NO.3, COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1 SINGANAILLUR POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.11190/2020

Date :28/07/2020

RD 24/08/2020