

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2020

CORAM :

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

Crl.O.P.No.11035 of 2020

KARUNAKARAN @ KARUNANITHI

... Petitioner

Vs.

State by
Inspector of Police
Palur Police Station
Kancheepuram District
(Crime No.312 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.312 of 2020, on the file of the Inspector of Police, Palur Police Station, Kancheepuram District.

For Petitioner : Mr.C.Vinodhkumar

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 26.05.2020 for the offences punishable under Section 341, 294(b), 324, 307, 506(ii) IPC @ into 302 IPC, in Crime No.312 of 2020, seeks bail.

2.The case of the prosecution is that due to previous enmity, while the defacto complainant's brother along with his wife was returning home after closing their shop, the petitioner waylaid them, abused and attacked the victim with wooden log and caused injuries. The victim/brother of the defacto complainant was taken to the hospital and he died without responding to the treatment after two days.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and known to each other. The incident had happened during the quarrel. He would further submit that there is no motive or intention to cause death and during the scuffle, the victim fell down and sustained injuries and died without responding to the treatment.

4.The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner waylaid the deceased and his wife while returning from the shop and assaulted him with wooden log, resulting in death of the deceased. The deceased died after two days of occurrence without responding to the treatment.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also considering the fact that the petitioner is suffering incarceration from 26.05.2020, 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) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.I, Chengalpet, 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 stay at Tiruvallur and report before the Tiruvallur Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdiction limits of respondent police.

(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 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/-
30/07/2020

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.I, CHENGALPET.

2 THE OFFICER INCHARGE
SUB-JAIL, CHENGALPET.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
KANCHEEPURAM DISTRICT.

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

सत्यमेव जयते

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CRL OP.11035/2020
Date :30/07/2020

cs 25/08/2020