

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

Crl.O.P.No.11603 of 2020

Tamizhselvan

... Petitioner

Vs.

State Rep. by its
Inspector of Police
Killai Police Station
Cuddalore District
(Crime No.90 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in P.R.C.No.07 of 2019 on the file of the learned Judicial Magistrate-I, Chidambaram in Crime No.90 of 2019 on the file of the Respondent.

For Petitioner : Mr.T.Gobinath

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 07.09.2019 for the offences punishable under Section 294(b), 342, 307, 302 r/w 109 IPC, in Crime No.90 of 2020, seeks bail.

2.The case of the prosecution is that due to previous enmity, the accused along with other accused committed the murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 07.06.2020 and thereafter the petitioner was detained under Act 14 and the petition in H.C.P.No.2601 of 2019 filed by his wife was allowed on 27.05.2020. He would further submit that the investigation is complete and the final report has been filed. The matter is pending committal in P.R.C.No.07 of 2019 before the learned Judicial Magistrate No.I, Chidambaram. He would

further submit that the co-accused who were released have been regularly complying with the conditions.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with co-accused due to previous enmity, committed the murder of the deceased one Dinesh. He would further submit that the petitioner was detained under Act 14, thereafter, the same was quashed.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration, 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the Judicial Magistrate-1, Chidambaram, **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 learned Judicial Magistrate -1, Chidambaram, everyday 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 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/-
03/08/2020

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.1,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KILLAI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.T.GOBINATH Advocate on payment of necessary charges SR.No 5825

CRL OP.11603/2020

Date :03/08/2020

MN-TA-05/08/2020