

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

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

Crl.O.P.Nos.11112 & 11405 of 2020

1.Sanjeevan
2.Gubendiran

... Petitioners in Crl.O.P.11112/2020

1.Chandru
2.Ajithkumar
3.Sakthivel

... Petitioners in Crl.O.P.11405/2020

Vs.

State, rep. By the
Inspector of Police
Kottapatti Police Station
Dharmapuri District
(Crime No.245 of 2020)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.245 of 2020 pending on the file of the Respondent.

For Petitioners : Mr.T.T.Ravichandran in
Crl.O.P.11112/2020

Mr.V.Sakkarapani in Crl.O.P.11405/2020

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

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 21.05.2020 for the offences punishable under Section 147, 302 IPC, in Crime No.245 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant Nithya is that there was a quarrel between her husband and other accused with regard to missing of cell phone while they were consuming alcohol. During the quarrel, the accused persons have assaulted the husband of the defacto complainant with stones and hands resulting in death of her husband.

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 even as per the defacto complainant she has not witnessed the occurrence, she has been only informed by one Sathish Kumar about the incident. He would further submit that the petitioners were arrested on 21.05.2020 and in custody for the past 68 days and the major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that during the quarrel in respect of missing of cell phone, all the accused joined together and assaulted the husband of the defacto complainant with stones and hands resulting in the death of the victim. He would further submit that the major part of the investigation is over. However, he would further submit that there is a chance of retaliation by the relatives of the deceased and thereby, the petitioners may be directed to stay far away from the place of occurrence.

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) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Harur, **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 stay at Pochampalli and report before the Pochampalli Police Station daily at 10:30 a.m and 5:30 p.m. until further orders. The petitioners shall not enter the jurisdiction limits of the respondent police.**

(e) the petitioners shall not commit any offences of

(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/-
29/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE,
HARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

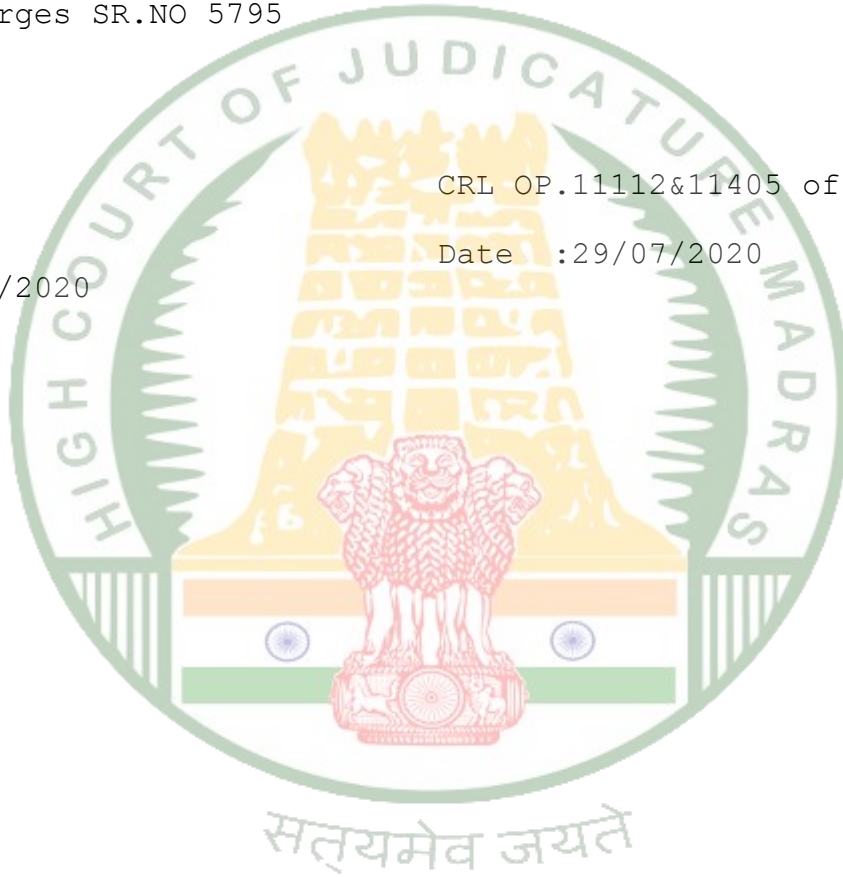
6 THE OFFICER INCHARGE,
POCHAMPALLI POLICE STATION,
POCHAMPALLI.

+1CC to M/S T.T.RAVICHANDRAN Advocate on payment of
necessary charges SR.NO 5795

CRL OP.11112&11405 of 2020

Date :29/07/2020

GKS (MK) :31/07/2020



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