

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2020

CORAM :

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

Crl.O.P.No.11143 of 2020

Madhavan

... Petitioner

Vs.

The State, represented by
Inspector of Police
Sirumugai Police Station
Coimbatore -District
(Crime No.326/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.326 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.I.Periaswamy

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 09.06.2020 for the offences punishable under Section 302 IPC, in Crime No.326 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that her husband went out on 28.05.2020 and he did not return back home and his mobile was switched off. Thereafter, her mother in law received a phone call from his brother stating that the defacto complainant's husband had died. The defacto complainant suspected that somebody had committed the murder since her husband had illicit affair with the wife of the petitioner. Thereafter, on 09.06.2020, the Village Administrative Officer informed the respondent police that the petitioner surrendered before him and gave a confession that he had killed the husband of the defacto complainant as he had illicit affair with his wife.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that even as per the F.I.R., it was only on suspicion and moreover it was stated that on 09.06.2020, the petitioner himself surrendered before the V.A.O. Thereafter, the records were manipulated and confession was recorded when the petitioner was in custody.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner suspected that the deceased was having illicit affair with his wife and committed the murder of the deceased by strangulating his neck with rope and had thrown the body. The petitioner surrendered before the V.A.O on 09.06.2020 and admitted his guilt that he has committed the murder of the deceased. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and the period of incarceration, 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, Mettupalayam, 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 stay at Mettupalayam and report before the Mettupalayam Police Station daily at 10.30 a.m until further orders. The petitioner shall not enter 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/-

24/07/2020

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,
METTUPALAYAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE OFFICER INCHARGE,
METTUPALAYAM POLICE STATION,
METTUPALAYAM

CC to M/S.PERIASWAMY I. Advocate on payment of necessary charges

CRL OP.11143/2020

Date : 24/07/2020

RVR 08/09/2020

WEB COPY