

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

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

Crl.O.P.No.11123 of 2020

1.Kumar

2.Chandhirasekaran

... Petitioners

Vs.

State Inspector of Police
Mangalam Police Station
Thiruvannamalai District
(Crime No.1137 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.1137 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.S.Senthilvel

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 06.06.2020 for the offences punishable under Section 294(b), 324, 307 IPC @ 294(b), 302 IPC, in Crime No.1137 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant Manjula is that her brother in law had married the sister of the accused namely one Dhanalakshmi, due to misunderstanding, the brother in law left her and married another woman called Kavitha, due to which, the petitioners had enmity with the family members of the defacto complainant. While so, on 06.06.2020 when the defacto complainant's husband was at home, the petitioners had gone to the house and picked up a quarrel with her husband and later assaulted him with wooden logs, due to which, he sustained head injury. Based on the complaint given by the defacto complainant, originally a case was registered under Sections 294(b), 324, 307 IPC, the defacto complainant's husband was taken to the hospital at Thiruvannamalai, from there, he was taken to Adukumparai General Hospital from there he was shifted to Rajiv Gandhi Government Hospital, Chennai, there he succumbed to death, hence it was later altered to Section 302 IPC.

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 F.I.R. the victim was originally taken to Tiruvannamalai Hospital and from there he was shifted to Vellore and once again he was shifted to Rajiv Gandhi Government Hospital, Chennai, there he died without responding to treatment. He would further submit that since the treatment given to the deceased was not good, the victim died. He would further submit that the petitioners were arrested on 06.06.2020 and they are in judicial custody for more than 50 days.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners' sister was married to the brother in law of the defacto complainant, due to misunderstanding, the petitioners' sister went to her parents house. The petitioners' brother in law left their sister and re-married some other woman, due to which, the petitioners have assaulted the husband of the defacto complainant, resulting in head injury and he succumbed to death without responding to the treatment. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel, 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-II, Thiruvannamalai, **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 Vellore and report before the Vellore North 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 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/-
27/07/2020

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 NO.II,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL II,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

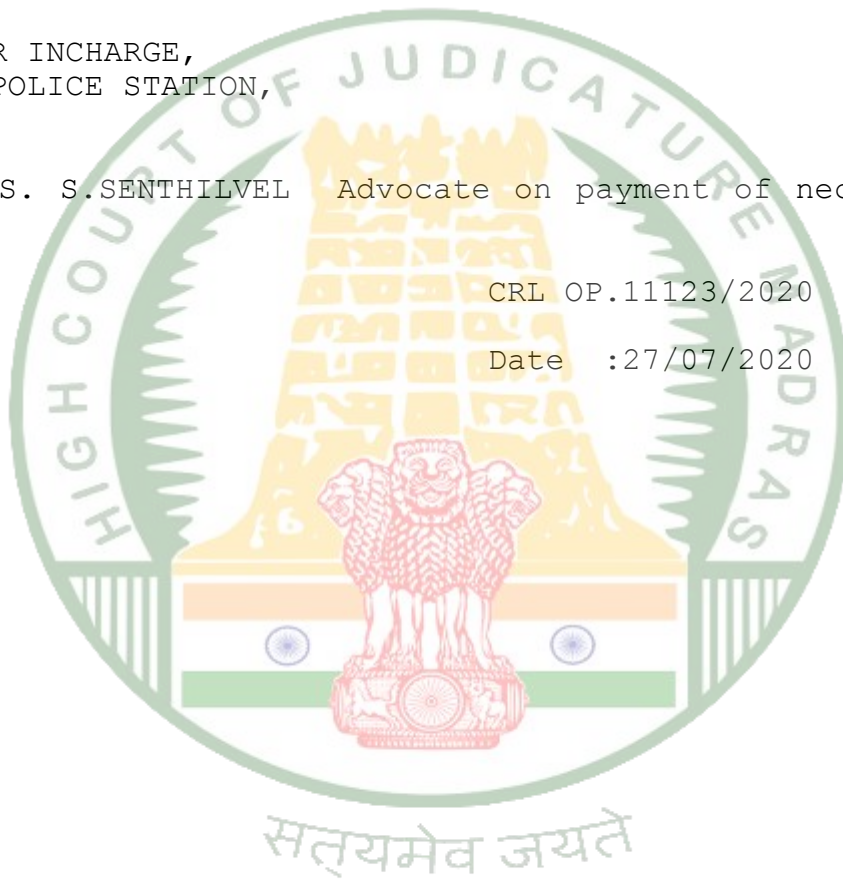
6 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

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

CRL OP.11123/2020

Date :27/07/2020

MK:20/08/2020



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