

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11731 of 2020

Ananth

... Petitioner

Vs.

State Rep by

Inspector of Police

Perambalur Police Station

(Crime No.1598 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.1598 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.M.John Kennady

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 03.06.2020 for the offences punishable under Section 147, 148, 294 (b), 323, 324 and 302 IPC, in Crime No.1598 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 01.06.2020 at about 8.30 p.m., the petitioner along with other accused joined together and went to the house of the defacto complainant and abused him with filthy language and dragged his son Kabilan outside the house and assaulted him with hands and knives indiscriminately, caused stab injury and death of his son.

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 deceased Kabilan is a notorious element and there are several cases pending against him before the respondent police. The deceased Kabilan also had several enemies. He would further submit that the petitioner is in judicial custody for more than 60 days and the major part of the investigation is over. He would further submit that co-accused in this case have been granted bail vide order dated 14.07.2020 in Crl.O.P.No.10522 of 2020 and Crl.O.P.No.10781 of 2020 vide order dated 20.07.2020.

4.The learned Government Advocate (Criminal Side) would submit that the deceased Kabilan had proposed love to the daughter of A1 and A8 in this case, due to which, there was a dispute. Hence, on 01.06.2020, the petitioner along with other accused gone to the house of the defacto complainant, pulled the defacto complainant's son outside the house, inflicted injuries with knife and assaulted the deceased. When he was taken to the hospital, there he was declared dead. He would further submit that co-accused in this case have been granted bail by this Court vide order dated 14.07.2020 in Crl.O.P.No.10522 of 2020 and Crl.O.P.No.10781 of 2020 vide order dated 20.07.2020.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and co-accused in this case have been granted bail by this Court vide order dated 14.07.2020 in Crl.O.P.No.10522 of 2020 and Crl.O.P.No.10781 of 2020 vide order dated 20.07.2020., 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) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety, before the learned Judicial Magistrate, Perambalur, 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 Trichy and report before the Cantonment Police station daily at 10.30 a.m. until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the 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/-

05/08/2020

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,
PERAMBALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR

5 THE OFFICER INCHARGE,
CANTONMENT POLICE STATION,
TRICHY

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

CRL OP.11731/2020

Date :05/08/2020

RVR 11/09/2020