

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

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

Crl.O.P.No.11455 of 2020

PRAVEEN KUMAR

... Petitioner

Vs.

State by

Inspector of Police

K.V.Kuppam Police Station

Vellore District

(Crime No.285 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.285 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.M.P.Yuvaraj

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 20.05.2020 for the offences punishable under Section 174 Cr.P.C. @ 174 Cr.P.C. and Section 302 IPC, in Crime No.285 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that he is married to one Lavanya and during May 2018, she delivered a female child. Thereafter, there was a quarrel between them, due to which, she left him and settled in her parents village and got acquainted and married the petitioner herein. While so, on 18.05.2020, the said Lavanya informed the defacto complainant that their child fell down and admitted in Gudiyatham General Hospital and died. The defacto complainant suspected that something would have been done to the child, gave a complaint and based on his complaint a case was originally registered for the offence under Section 174 Cr.P.C. During the course of investigation, the fact came to light that the said Lavanya, had developed illicit intimacy with the petitioner, in order to do away with the child, she along with the petitioner, committed the murder of the child.

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 said Lavanya is a married woman and on 18.05.2020 the petitioner had assisted her to take the child to the hospital in a two wheeler and other than that he has nothing to do with the offence. The petitioner was arrested on suspicion. He would further submit that the petitioner is in custody for more than 80 days and the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner developed illicit intimacy with the wife of the defacto complainant and since they found the child to be a hindrance to their affair, they had committed the murder of the child. The respondent police are taking steps to arrest the said Lavanya.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the considering that the petitioner is inside the prison for more than 80 days, 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 learned Judicial Magistrate, Katpadi, 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 respondent police 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/-

07/08/2020

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,
KATPADI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
K.V.KUPPAM POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.11455/2020

Date :07/08/2020

RVR 14/09/2020