

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.11651 of 2020

A.Sagadevan

... Petitioner

Vs.

State : Inspector of Police
Krishnagiri Taluk Police Station
Krishnagiri District
(Crime No.524 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.524 of 2020 on the file of the Respondent.

For Petitioner : Mr.M.P.Saravanan

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 01.06.2020 for the offences punishable under Section 302 IPC, in Crime No.524 of 2020, seeks bail.

2.The case of the prosecution as per the Village Administrative Officer (VAO) is that he got information that one dead body with blood injuries was found in dry well in Survey No.101/9A1, Marikkampalli Village, Krishnagiri District and that one Ravi is the owner of the said land and well. Based on the complaint given by the VAO, a case came to be registered for the offence under Section 302 IPC and that the petitioner was suspected to be the murderer due to property dispute.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to property dispute between the deceased who is the brother of the petitioner. He would further submit that there is no eye witness to the said occurrence. The petitioner was arrested on 01.06.2020 and he is in prison for more than 60 days. He would further submit that major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the deceased are brothers. Due to property dispute, the petitioner committed the murder of the deceased and thrown his body in a well and the same was found by the VAO. During

the investigation, the fact came to the light that the petitioner has committed the murder of his own brother due to property dispute.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner, 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, Krishnagiri, 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 Hosur and report before the Hosur Town Police Station daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not visit the 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,
NO.II, KRISHANGRIGI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 .
INSPECTOR OF POLICE, KRISHNAGIRI TALUK
POLICE STATION, KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE OFFICER INCHARGE,
HOSUR TOWN POLICE STATION, HOSUR

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

CRL OP.11651/2020

Date :05/08/2020

RVR 11/09/2020