

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

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

Crl.O.P.Nos.11099 of 2020

1.Babu
2.Sathya

... Petitioners

Vs.

State, Rep. by
The Inspector of Police
Chidambaram Town Police Station
Chidambaram
Cuddalore District
(Crime No.677 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.677 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners : Mr.R.Sagadevan

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 302, 201, 120(B) IPC, in Crime No.677 of 2020, seek bail.

2. The case of the prosecution is that the petitioners along with children had committed murdered the son of the defacto complainant and kept under the bed.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the deceased who is Ganja addict, trespassed into house of the petitioners and misbehaved with their minor daughter A4. The prosecution case is that A1 the minor son of the petitioners attacked the deceased with a knife and the second petitioner/A3 and A4 the minor daughter assaulted with hands resulting in the death of the victim. Further
it is submitted that the first petitioner who is arrayed as A2 who had

come back and seeing dead body had wrapped and kept it under the bed with an intention of dispose it at later point of time. The allegations against the first petitioner is that he had attempted to cover up the crime and the allegations against the second petitioner is that she attacked the deceased with hands along with A1. He would submit that A1 and A4 Juveniles accused have been enlarged on bail and that the major part of the investigation is over.

4.The learned Government Advocate (Cr1. Side) would submit that the deceased who is a ganja addict trespassed into the house of the petitioners and misbehaved the minor daughter (A4). He would further submit that A1, A3(second petitioner) and A4 have committed the murder and the first petitioner attempted to cover up the murder. They were arrested and remanded to judicial custody on 06.06.2020. He would further submit that A1 and A4 are juveniles and they were enlarged on bail by the Juvenile Justice Board.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, 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 Judicial Magistrate Court-II, Chidambaram, 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 1st petitioner shall report before the respondent police daily at 10:30 until further orders.

(e) the 2nd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-

31/07/2020

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,
COURT NO.II, CHIDAMBARAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM, CUDDALORE DISTRICT.

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

CRL OP.11099/2020

Date :31/07/2020