

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.11812 of 2020

S.Pandian

... Petitioner

Vs.

The State by Inspector of Police
Thriumuliavoyal Police Station
Chennai
(Crime No.462 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.462 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.B.Manoharan

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 09.06.2020 for the offences punishable under Section 302 IPC, in Crime No.462 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Usha is that due to previous enmity regarding causing damage to the tricycle there was a quarrel, due to which, the petitioner along with other accused committed the murder of her husband by cutting him with knife on the head.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be the friend of the other accused. He would further submit that A1, A2, A3 and A5 in this case have been detained under Act 14. He would further submit that the petitioner has been implicated in this case by mistaken identity. The petitioner was not detained under Act 14.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner along with other accused committed the murder of the husband of the defacto complainant by inflicting injury. He would further submit that the investigation is pending. A1, A2, A3 & A5 have been detained under Act 14 of 1982.

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 from 09.06.2020, 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 District Munsiff cum Judicial Magistrate, Ambattur, 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 Thiruverkadu police station daily at 10.30 a.m and 5.30 p.m. until further orders. The petitioner shall not visit 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AMBATTUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL-2, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUMULIVAVOYAL POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
THIRUVERKADU POLICE STATION.

+1 CC to M/S.V.DEVENDHIRAN Advocate on payment of necessary charges
SR.No.5853

WEB COPY

CRL OP.11812/2020

Date :05/08/2020

cs 07/08/2020