

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.11716 of 2020

Kokila

... Petitioner

Vs.

The State Represented by
Inspector of Police
Virthumpet Police Station
Vellore district
(Crime No.632 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.632 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.M.Sathish Kumar

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 13.05.2020 for the offences punishable under Section 302 IPC, in Crime No.632 of 2020, seeks bail.

2. The case of the prosecution is that the deceased had illicit intimacy with A4 the petitioner herein for the past 7 years, due to which, her husband deserted her. While so, A4 developed illicit intimacy with some other person, enraged by the same, the deceased had gone to the house of A4 and created quarrel with her, thereby, A1 and his friends along with the petitioner and A3 the father of the petitioner committed murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that even as per the case of the prosecution, the deceased had sexually harassed the petitioner and also created problem with the petitioner, who is the 4th accused in this case since she had severed his relationship. Based on the complaint given by the petitioner earlier, the complaint was registered in the Virthumpet Police Station, Vellore against the deceased. While so, the deceased created problem again and during the quarrel, the incident took place. He would further submit that there is no motive or intention to commit the murder of the deceased. The petitioner is inside the

4.The learned Government Advocate (Criminal Side) would submit that the 4th accused had illegal intimacy with the deceased. Thereafter, she also continued her relationship with A1, due to which, the deceased had quarreled with her and the petitioner along with her friends and her father committed the murder of the deceased. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also the submissions made by the learned counsel, 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 No.III, Vellore, Vellore District, 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 daily at 10.30 a.m. for a period of two weeks, thereafter on every Monday at 10.30 am. 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/-

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.III, VELLORE, VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
FEMALE PRISON, VELLORE

4 INSPECTOR OF POLICE,
VIRTHUMPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.11716/2020

Date :05/08/2020

RVR 11/09/2020

WEB COPY