

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.Nos.11892 of 2020

1.Thangamani
2.Ramachandran

... Petitioners

Vs.

State represented by
The Station House Officer
Avalurpet Police Station
Villupuram District
Crime No.842 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.842 of 2020 pending investigation on the file of the respondent.

For Petitioners: Mr.R.Balakrishnan

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 19.06.2020 for the offences punishable under Section 174(i) of Cr.P.C. @ 302 of IPC, Crime No.842 of 2020, seek bail.

2. The case of the prosecution is that the son of the defacto complainant who had gone out to attend nature's call, did not return home and later it was found that the body of his son was hanging in a tree. Based on the complaint given by the defacto complainant, a case was originally registered under Section 174 (i) Cr.P.C. later during the course of investigation, it came to light that his daughter in law had illicit intimacy with the 1st petitioner / Thangamani, thereby, they have joined together and committed the murder of the defacto complainant's son and projected as if it is a case of suicide.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there is no eye witness to the occurrence and the petitioners have been implicated based on the alleged confession statement recorded from the 1st

accused. He would further submit that the petitioners are in custody from 19.06.2020.

4. The learned Government Advocate (Crl. Side) would submit that the 1st petitioner is the paramour of the victim's wife. Since victim came to know about the illicit intimacy, the petitioners along with victim's wife committed the murder and projected as if the victim had committed suicide by hanging in a tree. Investigation is pending.

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 petitioners, 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), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) Thereafter, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Gingee, 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;

(e) the petitioners shall stay at Tiruvannamalai and report before the Tiruvannamalai Town Police Station every day at 10.30 a.m and 5.30 p.m until further orders. The petitioners shall not enter the jurisdictional limits of the respondent police.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

06/08/2020

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,
GINGEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
AVALURPET POLICE STATION,
VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE OFFICER INCHARGE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI

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

CRL OP.11892/2020

Date :06/08/2020

RVR 11/09/2020