

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11935 of 2020

T.Balamanikandan

... Petitioner/Sole Accused

Vs.

The State represented by,  
The Inspector of Police,  
Kunnam Police Station,  
Perambalur District.  
(Crime No. 861 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 861 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.C.Ramesh

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 23.06.2020 for the offences punishable under Sections 294(b), 342, 307 & 302 of IPC in Crime No. 861 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Santhi is that the petitioner's sister one Priyadharshini married one Selva Kumar for which, the brother of the defacto complainant one Selva Kumar had helped them. Antagonised by this, on 22.06.2020, the petitioner assaulted the defacto complainant's brother Selvakumar with knife due to which, the brother of the defacto complainant died on the spot. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity. He would submit that the petitioner's sister had got married to one Selvakumar and due to that incident, there was enmity between them. He would further submit that the petitioner is in custody for more than 60 days. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the sister of the petitioner one Priyadharshini eloped with one Selvakumar S/o.Kandasamy and got married without the knowledge of the petitioner's family. The petitioner suspecting that the deceased Selva Kumar had helped his sister's husband, had quarrelled with the deceased and had also assaulted the sister of the deceased/defacto complainant, resulting in the death of the deceased. He would further submit that there is no previous case pending against the petitioner and that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 23.06.2020, 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 executing 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) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Perambalur, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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 on release from prison shall stay at Trichy and report before the Contonment police station everyday at 10.30 a.m. and 05.30 p.m., until further orders, the petitioner shall not enter into the jurisdiction 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 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

(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/-

31/08/2020

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,  
PERAMBALUR

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
KUNNAM POLICE STATION,  
PERAMBALUR DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHIRAPALLI

CC to M/S.E.C.RAMESH Advocate on payment of necessary charges

CRL OP.11935/2020

सत्यमेव जयते Date :31/08/2020

RVR 10/09/2020

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