

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM:

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

Crl.O.P.No.12002 of 2020

1 R.Suresh
2.S. Raghuraman

..Petitioners

Vs

The State Represented by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

Crime No.462 of 2020

.... Respondent

PRAYER: Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.462 of 2020 on the file of the Respondent police.

For Petitioners : Mr.V.Devendhiran

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 10.06.2020 for the offences punishable under Sections 302 of IPC, in Crime No.462 of 2020 on the file of the respondent police, seek 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 petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case since they 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 petitioners name did not find a place in the F.I.R. And they have been implicated in this case by mistaken identity. He would further submit that similarly placed co accused has been granted bail by this Court in Crl.O.P.No.11812 of 2020 dated 05.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioners 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 10.06.2020, and that the similarly placed co- accused has been granted bail in Crl.O.P.No.11812 of 2020 on 05.08.2020, 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 his release;

(b) Thereafter, the petitioners 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, 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 petitioners shall report before the Thiruverkadu police station daily at 10.30 a.m and 5.30 p.m. until further orders. The petitioners shall not visit the jurisdictional limits of the respondent police.

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

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

(g)the petitioners 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

(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/-

12/08/2020

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,
AMBATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

5 THE OFFICER INCHARGE,
THIREVERKADU POLICE STATION, सत्यमेव जयते
THIREVERKADU

CC to M/S. V.DEVENDHIRAN Advocate on payment of necessary charges

WEB COPY

CRL OP.12002/2020

Date :12/08/2020

RVR 15/09/2020