

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM:

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

CrI.O.P.No.12015 of 2020

Mr.Ramasamy

...Petitioner

Vs

The State Represented by
The Inspector of Police,
V-Kalathur Police Station,
Perambalur District.
Crime No.271 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.271 of 2020 on the file of the Respondent police.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.05.2020 for the offences punishable under **Section 302 of IPC, in Crime No.271 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that as per the defacto complainant, namely Sathish Kumar, Village Administrative Officer of Pandagapadi Village is that one Muthiah S/o. Ramasamy was found dead with injuries under suspicious circumstances. Based on the information given by the Village Administrative Officer, a case was registered for the offences under Section 302 IPC. During the course of investigation, it was found that the petitioner who is the father of the deceased had committed the murder of his own son. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent. He further submitted that the
<https://hcsprides.courtserv.in/hcsprides> died in a suspicious circumstances and the

respondents have falsely implicated him in this case. The learned counsel further submit that the petitioner has been in judicial custody from 29.05.2020 and he further submitted that the investigation has also been completed. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that originally the petitioner's son was working at abroad and he had returned back to India and he has been a spendthrift wasting the money and the petitioner who is his father advised him and there was a quarrel. During the quarrel, the petitioner had committed the murder of his son by strangulation. Several witnesses have seen the petitioner loitering in the area and the rope used for strangulation has been recovered. He would submit that investigation is pending. However, he opposed for the grant of bail.

5. Taking into consideration the facts and circumstances of the case and fact that the period of incarceration by the petitioner from 29.05.2020, 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) each, before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) Thereafter, the each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Perambalur, on or before 12.09.2020, 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 Inspector of Police, V-Kalathur Police Station, Perambalur District., daily at 10.30 a.m. 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 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];

(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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-KALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

+1 CC to G.ILAMURUGU Advocate on payment of necessary charges
SR.No 5922

CRL OP.12015/2020

Date :12/08/2020

MN-TA-14/08/2020