

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.12345 of 2020

1.Manikandan
2.Ezhilmuthu

... petitioners

Vs.

State represented by
The Inspector of Police
Minjur Police Station
Thiruvallur District
(Crime No.2117 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.2117 of 2020 on the file of the Inspector of Police, E-3, Minjur Police Station, Thiruvallur District.

For Petitioners : Ms.M.Sathyasai Eswari

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 16.06.2020 for the offences punishable under Section 302 IPC, in Crime No.2117 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant one Jayalakshmi W/o.Ganesh Kumar is that her husband had illicit intimacy with one Sabitha who is the wife of A1. On 15.06.2020, her husband had gone to the house of the said Sabitha, enraged by the same, A1 along with his friends had caused cut injuries to the deceased with Aruval indiscriminately, due to which, the deceased sustained injuries and died.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they happened to be the friend of the main accused A1, who is the husband of said Sabitha. He would further submit that the petitioners were arrested on 16.06.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused committed the murder of the deceased / husband of the defacto complainant since the deceased had illicit intimacy with the wife of the 1st accused, due to which, the petitioners along with A2 caused cut injuries on him indiscriminately with Aruval and committed the murder. He would further submit that the 1st petitioner is having 2 previous cases and the 2nd petitioner has no previous cases against him. Accordingly, he opposes for the grant of bail to the petitioners.

5.At this juncture, the learned counsel appearing for the petitioners would submit that the cases are of the year 2018 and 2019. He would further submit that the petitioners are prepared to abide by any stringent conditions to be imposed by this Court.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, 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) each, 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 No.II, Ponneri, **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 on their release from prison, shall stay at Tirutani and report before the Tirutani Town Police Station daily at 10:30 a.m and 5.30 p.m. until further orders. The petitioners shall not enter into 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 or their relatives 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/-

17/08/2020

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.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.12345/2020

Date :17/08/2020

MK:02/09/2020