

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12448 of 2020

Selvaraj

... Petitioner

Vs.

State Sub Inspector of Police
Kalasapakkam Police Station
Thiruvannamalai
(Crime No.500 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in the above P.R.C.No.2 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Kalasapakkam in Crime No.500 of 2019 on the file of the respondent.

For Petitioner : Mr.N.Karunagaran

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 29.11.2019 for the offences punishable under Section 302, 380 IPC, in Crime No.500 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner had committed the murder of his grand mother and also committed theft of her gold jewels.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to enmity in the family, the petitioner has been falsely implicated in this case. He would further submit that the petitioner was arrested on 29.11.2019. He would further submit that the respondent police have completed investigation and the final report has also been filed.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had committed the murder of his grand mother and also committed the theft of her gold jewels. He would further submit that the respondent police have completed their investigation and the final report has also been filed before the learned District Munsif cum Judicial Magistrate, Kalasapakkam and the same has been taken on file in P.R.C.No.2 of 2020.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that the final report has been filed, 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 condition to execute 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 furnish **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 District Munsif cum Judicial Magistrate, Kalasapakkam, **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 petitioner on his release from prison, shall report before the learned District Munsif cum Judicial Magistrate, Kalasapakkam on all working days 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 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/-
19/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KALASAPAKKAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI.

CC to M/S. N.KARUNAGARAN Advocate on payment of necessary charges

CRL OP.12448/2020

Date : 19/08/2020

MK:07/09/2020

WEB COPY