

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

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

Cr1.O.P.No.12719 of 2020

Prakash

... Petitioner / 2nd Accused

Vs.

State rep. by

The Station House Officer,
Thirubhuvanai Police Station,
Puducherry.

(Crime No.186 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.186 of 2020 pending on the file of the Respondent Police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioner(A2), who was arrested and remanded to judicial custody on 05.06.2020 for the offences punishable under Section 302 read with 34 of IPC, in Crime No.186 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner herein is the second accused. The deceased had an illicit relationship with the mother of the first accused. Hence, the first accused along with other two accused joined and planned together to commit murder of the deceased and thereby, the first accused stabbed the deceased with the knife.

3.The learned counsel appearing for the petitioner would submit that that the petitioner is an innocent person and due to friendship with the other accused, he has been falsely implicated in this case. He would further submit that the investigation has been completed and final report has been filed before the learned Judicial Magistrate - IV, Puducherry. Further, he would submit that the other co-accused(A3) was already released on bail, but the petitioner is still under custody for nearly 85 days.

4.The learned Public Prosecutor (Puducherry) would submit that the deceased had an illicit intimacy with the mother of A1 and he was stabbed with knife. The petitioner was arrested on 05.06.2020 and investigation is completed.

5.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 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) Thereafter, the petitioner shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.IV, Puducherry, 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 respondent police 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's 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/-

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,
NO.IV, PUDUCHERRY

2 THE PUBLIC PROSECUTOR
PUDUCHERRY

3 THE STATION HOUSE OFFICER,
THIRUBUVANAI POLICE STATION,
PUDUCHERRY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET

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

CRL OP.12719/2020

Date :31/08/2020

RVR 09/09/2020

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