

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12429 of 2020

1.Thangamani
2.Santhi

... Petitioners

Vs.

State By
The Inspector of Police
Vikkiramangalam Police Station
Ariyalur District
(Crime No.324 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.324 of 2020 on the file of the Inspector of Police, Vikkiramangalam Police Station, Ariyalur District.

For Petitioners : Mr.K.Balu

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 20.07.2020 for the offences punishable under Section 302 IPC, in Crime No.324 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant one Dhanalakshmi is that the 1st petitioner is her step brother and the 2nd petitioner is his wife. They have committed the murder of her father due to property dispute.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to enmity regarding sharing of property. He would further submit that the defacto complainant is none other than the step sister of the 1st petitioner. He would further submit that they have been falsely implicated in this case so that the petitioners do not get any share in the property. He would further submit that the petitioners were arrested on 20.07.2020 and are in judicial custody for more than 35 days.

4.The learned Government Advocate (Crl. Side) would submit that the 1st petitioner is the step brother of the defacto complainant, who along with his wife committed the murder of the father of the defacto complainant since he did not share the property equally. He would further submit that the investigation is pending.

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 suffered by the petitioners, 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 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) each, before the learned Judicial Magistrate No.I, Jayankondam, 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 Trichy and report before the Trichy Cantonment Police Station daily at 10:30 a.m until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police until further orders.

(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 5560];

(j) 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/-
25/08/2020

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.I, JAYANKONDAM.

2 THE OFFICER INCHARGE
SUB-JAIL, ARIYALUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VIKKIRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

6 THE OFFICER INCHARGE
TRICHY CANTONMENT POLICE STATION,
TRICHY.

CC to M/S.K.BALU Advocate on payment of necessary charges

CRL OP.12429/2020

Date :25/08/2020

cs 07/09/2020