

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Crl.O.P.No.12732 of 2020

K.Selvakumar

... Petitioner

Vs.

The Inspector of Police
Peerkankaranai Police Station
Peerkankaranai, Chennai
(Crime No.830 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.830 of 2020 on the file of the respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.06.2020 for the offence punishable under Sections 302 IPC, in Crime No.830 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Gopi is that his wife was running a tailoring shop and due to previous enmity, the petitioner had trespassed into her shop and stabbed her with the scissors which she was using for cutting clothes, thereby, his wife died.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that even as per the F.I.R. there was previous enmity between the family of defacto complainant and the family of the petitioner and one Meera and other co-employee were said to have been present at the time of occurrence but they did not lodge any complaint, but her husband had given this false complaint. He would further submit that the petitioner is in custody from 11.06.2020 and he is suffering incarceration for more than 84 days.

4.The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner trespassed into the tailor shop of the deceased and committed the murder by stabbing her with scissors.

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 petitioner from 10.06.2020, 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 condition to execute 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 petitioner has been confined and thereafter on his release;

(b)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, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate Court-I, Tambaram,, 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 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 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/-
04/09/2020

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 COURT-I
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PEERKANKARANAI POLICE STATION,
PEERKANKARANAI, CHENNAI.

5 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL

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

CRL OP.12732/2020

Date :04/09/2020

TA-09/09/2020

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