

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.12543 of 2020

V.Ayyanar

... Petitioner

Vs.

State

Rep. by the Inspector of Police
Perambalur Police Station
Perambalur District
(Crime No.1632 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pertaining to Crime No.1632 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Rakhi

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 09.06.2020 for the offences punishable under Section 302 IPC, in Crime No.1632 of 2008, seeks bail.

2.The case of the prosecution is that on 07.06.2020, the petitioner along with other accused persons attacked the victim brutally, due to which, the victim died on the spot, a case was registered based on the complaint given by the wife of the deceased.

3.The learned counsel appearing for the petitioner would submit that he is innocent and he has been falsely implicated in this case based on the confession statement given by the co-accused.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused had committed the murder of the victim. The allegation against this petitioner is that he had informed the other accused about the whereabouts of the deceased and based on the information given by the petitioner, other accused have committed the murder. He would further submit that A1 to A3 in this case have been detained under Act 14. He

would further submit that the petitioner was arrested on 09.06.2020. He would further submit that the petitioner has got three previous cases for committing theft. Hence, he vehemently opposes for the grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner, 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 execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.1, Perambalur, **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 respondent police everyday at 10.30 a.m and 5.30 p.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 JUDICIAL MAGISTRATE NO.I,
PERAMBALUR.

2 THE JAILER,
SUB-JAIL, ARIYALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

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

CRL OP.12543/2020

Date :19/08/2020

MK:07/09/2020

WEB COPY