

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12701 of 2020

Rajendran
S/o.Subramaniam

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Tiruppur Central Police Station
Tiruppur District
(Crime No.615 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.615 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Guruprasad

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 10.06.2020 for the offences punishable under Section 302 IPC, in Crime No.615 of 2020, seeks bail.

2.The case of the prosecution is that the accused, deceased and one Senthilkumar are brothers. On 09.06.2020, when the defacto complainant went to the house of his friend Senthilkumar, there was a quarrel between the deceased and the petitioner, due to which, the petitioner fisted the deceased and pushed him down and had thrown a grinding stone on his head, thereby, the deceased sustained injuries and when he was taken to the hospital, he was declared brought dead.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the brother of the deceased, due to quarrel and ruckus, the petitioner pushed him, due to which, the deceased fell down and sustained injuries and died. He would further submit that there was no intention to commit the murder of his own brother. He would further submit that it is only an accident and that the petitioner was arrested on 10.06.2020 and he is in custody for more than 65 days. He would further submit that the major part of the

investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner during the quarrel had committed the murder of his own brother by pushing him down, fisted him and thrown a grinding stone on his head. When the victim was taken to the hospital, he was declared brought dead.

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 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), 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, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.II, Tiruppur, 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. 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/-
21/08/2020

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.II, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR DISTRICT.

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

सत्यमेव जयते

WEB COPY
CRL OP.12701/2020
Date :21/08/2020

RD 03/09/2020