

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

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

Crl.O.P.No.12703 of 2020

1.Margo @ Vijayakumar @ Jil
S/o. Milsamy

2.Manimaran @ Kulphi
S/o. Margo @ Vijayakumar @ Jil ...Petitioners

Vs.

State, Rep. by the Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri District
(Crime No.859 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.859 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.E.Kannadasan

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 15.06.2020 and 19.06.2020, for the offences punishable under Section 294(b), 307, 324, 506(ii) IPC @ 294(b), 307, 324, 506 (ii), 302 IPC, in Crime No.859 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant one Rathinam is that there was enmity between his son Manikandan and the accused persons with regard to theft of fighting cock. On 14.06.2020 when he was at home, his son's friends called him and informed that there was a quarrel between his son and the accused in front of the petitioners' house, during which, the accused had committed the murder of his son by attacking him with knife and also attempted on the life of his son's friend one Rajesh.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that it is only the deceased and his friend Rajesh who had come to the house of the petitioners

and created problem, during which, the incident took place. He would further submit that there was no intention to commit murder and the alleged incident had taken place during a quarrel. He would further submit that the case was original registered for the offence under Section 307 IPC and later it was altered to 302 IPC. He would further submit that the victim was taken to the hospital and he died during treatment.

4.The learned Government Advocate (CrI. Side) would submit that due to previous enmity with regard to theft of fighting cock, the petitioners committed the murder of the deceased and also caused injury to his friend Rajesh. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also taking into consideration of 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) 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.1, Krishnagiri, 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 Uthangarai and report before the Uthangarai Town Police Station everyday at 10:30 a.m and 5.30 p.m. until further orders. The petitioners shall not visit the jurisdictional limits of the respondent police.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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/-

24/08/2020

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, KRISHNAGIRI

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE OFFICER INCHARGE
SUB-JAIL, KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE OFFICER INCHARGE
UTHANGARAI TOWN POLICE STATION,
UTHANGARAI

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

CRL OP.12703/2020

Date :24/08/2020

RD 04/09/2020