

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

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

CrI.O.P.No.12942 of 2020

Vijay
S/o.Rajaram

... Petitioner

Vs.

State Rep. by
Inspector of Police
K-10, Koyambedu Police Station
Chennai
(Crime No.839 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.839 of 2020 on the file of the Inspector of Police, K-10, Koyambedu Police Station, Chennai.

For Petitioner : Mr.K.Muthuvel
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 22.05.2020 for the offences punishable under Section 302 IPC, in Crime No.839 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Govindaraj, the Village Administrative Officer (VAO) in Nerkundram Village is that the petitioner / A1 appeared before him and confessed that on 21.05.2020 at the time of consuming alcohol, due to the previous enmity, he committed the murder of one Ramesh along with his friends. Based on the report of the VAO. Originally, a case was registered with R-5, Virugambakkam Police Station later it has been transferred to the respondent police for want of jurisdiction.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 22.05.2020 and he is in judicial custody for more than 90 days. He would further submit that the petitioner is prepared to abide by any stringent conditions that

to be imposed by this Court.

4.The learned Government Advocate (Crl. Side) would submit that on 21.05.2020, the petitioner who is the main accused surrendered before the VAO and confessed that he along with his friends committed the murder of their friend one Ramesh. He would further submit that based on the confession, the body was recovered and investigation is pending. He would further submit that the petitioner was arrested on 22.05.2020.

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 22.05.2020, 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) Thereafter, 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) each, out of which, one surety should be a blood surety, before the learned V Metropolitan Magistrate, Egmore, Chennai-8, 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/-
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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI-8

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K10-KOYAMBEDU POLICE STATION,
CHENNAI.

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

WEB COPY

CRL OP.12942/2020

Date : 24/08/2020

RD 03/09/2020