

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.12772 of 2020

KUMARAGURU
S/o.Theepanjan

... Petitioner

Vs.

The State Rep. by
Inspector of Police
Chithamoor Police Station
Chengalpet District
(Crime No. 468 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.468 of 2020, on the file of the respondent.

For Petitioner : Mr.V.Bhagiradhan
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 28.05.2020 for the offences punishable under Section 302 IPC, in Crime No.468 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner and the deceased are relatives. The petitioner due to previous enmity and dispute regarding sharing of water for irrigation purpose from the common well, committed the murder of the deceased by hitting him with stone on the head.

3. The learned Counsel 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 the petitioner was arrested on 28.05.2020 and he is in judicial custody for more than 85 days and major part of the investigation is over.

4. The learned Government Advocate (Criminal Side) would submit

that there is dispute between the petitioner and the deceased with regard to using of water for irrigation from the common well, due to which, the petitioner committed the murder of the deceased. He would further submit that the investigation is pending.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner from 28.05.2020, 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), before the learned Judicial Magistrate, Madhurantakam, 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 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/-
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,
MADHURANTAGAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHITHAMOR POLICE STATION,
CHENGALPET DISTRICT.

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

CRL OP.12772/2020

Date :24/08/2020

RD 03/09/2020