

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.12783 of 2020

Palani
S/o.Nagaraj

... Petitioner

Vs.

State by
The Inspector of Police
SIPCOT Police Station
Krishnagiri District
(Crime No.470 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.470 of 2020 on the file of the Respondent police.

For Petitioner : Mr.M.Jayachandran

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 15.06.2020 for the offences punishable under Section 452, 294(b), 307 IPC @ 452, 294(2), 302 IPC, in Crime No.470 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Santhosh Kumar is that on 14.06.2020 the deceased called his friends for playing cricket and when they were cleaning the playground to play cricket, they threw the bottles and it accidentally it fell down near the 1st accused / Vinithkumar who was speaking with his girl friend, due to which, there was a wordy quarrel between them. Thereafter, the 1st accused along with his friends went to the house of the deceased and assaulted him with cricket bat and the beer bottles, due to which, the friend of the defacto complainant sustained injuries and he was taken to the hospital, thereafter, the victim was referred for the treatment to Salem Government Hospital, where he succumbed to death.

3.The learned counsel appearing for the petitioner would submit

that the petitioner is innocent and he has been falsely implicated in this case since he happened to be the friend of A1 to A3. He would further submit that the quarrel arose between the parties with regard to throwing of beer bottles on A1. Due to the enmity, they have assaulted the deceased. He would further submit that the main accused A1 to A3 were granted bail by the Sessions Court. He would further submit that the major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would submit that due to enmity regarding throwing of beer bottle, the petitioner along with other accused had gone to the house of the defacto complainant and attacked the defacto complainant and his friends and committed the murder of the deceased by attacking him with cricket bat and beer bottles. He would further submit that the co-accused were enlarged on bail by the Sessions Court since they are college students.

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 and taking into consideration of the fact that the co-accused have been granted bail by the Sessions Court, 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 No.II, Hosur, 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 shall on release from prison stay at Kaveripattinam and report before the Kaveripattinam Police Station everyday at 10.30 a.m. And 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdiction limits of the respondent police.

(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,
NO.II, HOSUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
KAVERIPATTINAM POLICE STATION,
KAVERIPATTINAM

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

CRL OP.12783/2020

Date :24/08/2020

RD 03/09/2020