

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

CrI.O.P.No.12865 of 2020

Inbasakthi

... Petitioner

Vs.

Station House Officer, Nellikuppam, P.S.

(Ref: Cr.No.19/2019 dated 18.01.2019)

D1, Nellikuppam Police Station

Cuddalore to Panruti Main Road

Panruti Taluka

Cuddalore - 607 105

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.19 of 2019, pending on the file of the Respondent.

For Petitioner : Mr.Adith NarayanVijayaraghavan

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 18.07.2020 for the offences punishable under Section 147, 148, 294(b), 452, 324, 302 IPC read with sections 3 and 4 (b) of Explosives Substances Act, 1908, in Crime No.19 of 2019, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other 15 accused persons due to previous enmity using deadly weapon threatened the defacto complainant and his kin verbally while conducting temple festival and committed the murder of the defacto complainant's paternal uncle.

3. The learned Counsel 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 member of the rival group in the Village. He would further submit that there was enmity due to conducting of temple festival, the incident took place in the night hours. He would further submit that the other accused were arrested and enlarged on bail as early as on 16.03.2020. He would further submit that the petitioner was arrested on 18.07.2020. He would further submit that the investigation has been completed and there is no purpose in keeping the petitioner in judicial custody. He would

further submit that he is prepared to abide by any stringent conditions to be imposed by this Court.

4. The learned Government Advocate (Crl. Side) would submit that due to rivalry between two groups in the village in conducting the temple festival, the petitioner along with other accused have committed the murder of the paternal uncle of the defacto complainant. He would further submit since one of the accused who was released on bail was brutally murdered by the other group, tension prevails in the Village and there is a chance of retaliatory murder.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to stay far away from the Village and he would not enter the Village.

6. 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 the investigation has been completed, 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.I, Cuddalore, 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 immediately on his release from the prison, shall stay at Trichy and report before the Trichy Palakarai Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional 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/-
25/08/2020

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, CUDDALORE
- 2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]
- 3 THE JAILOR, PORT NOVO SUB JAIL,
CUDDALORE DISTRICT
- 4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 5 THE STATION HOUSE OFFICER,
D1, NELLIKUPPAM POLICE STATION, CUDDALORE TO
PANRUTI MAIN ROAD, PANRUTI TALUKA, CUDDALORE-607105
- 6 THE OFFICER INCHARGE,
PALAKARAI POLICE STATION, TRICHY

+1 CC to M/S ADITH NARAYAN VIJAYARAGHAV Advocate on
payment of necessary charges SR NO. 6018

CRL OP.12865/2020
Date :25/08/2020