

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13115 of 2020

MANJUNATHAN @ MOHANKUMAR

... Petitioner

Vs.

State Rep. by
Inspector of Police
Sholingur Police Station
Ranipet District
(Crime No.535 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.535 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Amarnath

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 30.06.2020 for the offences punishable under Section 294(b), 447, 452, 323, 324 and 506(ii) IPC altered to 302 IPC, in Crime No.535 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Sampath is that his father is the elder brother of the petitioner and there was an ongoing land dispute between them. On 29.06.2020, the petitioner along with his wife and son had hurled filthy language and abused him from outside the defacto complainant's house and entered into the house and attacked him with hands and stones, resulting in him sustaining injuries. Thereafter, the deceased was taken to the Sholingur Government Hospital, from there he was referred to Vellore Government Hospital, where he succumbed to death.

3.The learned counsel appearing for the petitioner would submit that due to ongoing land dispute between the brothers in the family, on the fateful day, the deceased had fallen down and sustained injuries, but a false complaint has been given against the petitioner that the deceased was assaulted by the family members of the petitioner. He would further submit that initially when the statement of the deceased was taken, he had stated that he fell down and sustained injuries and he had never stated that the petitioner and his family members have assaulted him. Later based on a false complaint, the petitioner was arrested. He would further submit that the petitioner was arrested on 30.06.2020 but the victim died on 06.07.2020 and the F.I.R was later altered to one under Section 302 IPC. The co-accused in this case have been released on bail in Crl.O.P.No.12117 of 2020 dated 17.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that the deceased and the petitioner are relatives and due to a land dispute, the petitioner along with his family members had assaulted the deceased with hands and stones, resulting in his death. He would further submit that the investigation is pending and the co-accused have been released on bail in Crl.O.P.No.12117 of 2020 dated 17.08.2020.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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)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**, before the learned District Munsif cum Judicial Magistrate, Sholingur, Ranipet District, 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 Aadhaar card or Bank pass Book to ensure their identity;

(d) the petitioner on his release from prison, shall stay at Vellore and report before the Vellore North Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter 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/-

28/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SHOLINGUR, RANIPET DISTRICT.

2 THE JAILER,
SUB-JAIL, WALAJAH

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLINGUR POLICE STATION,
RANIPET DISTRICT.

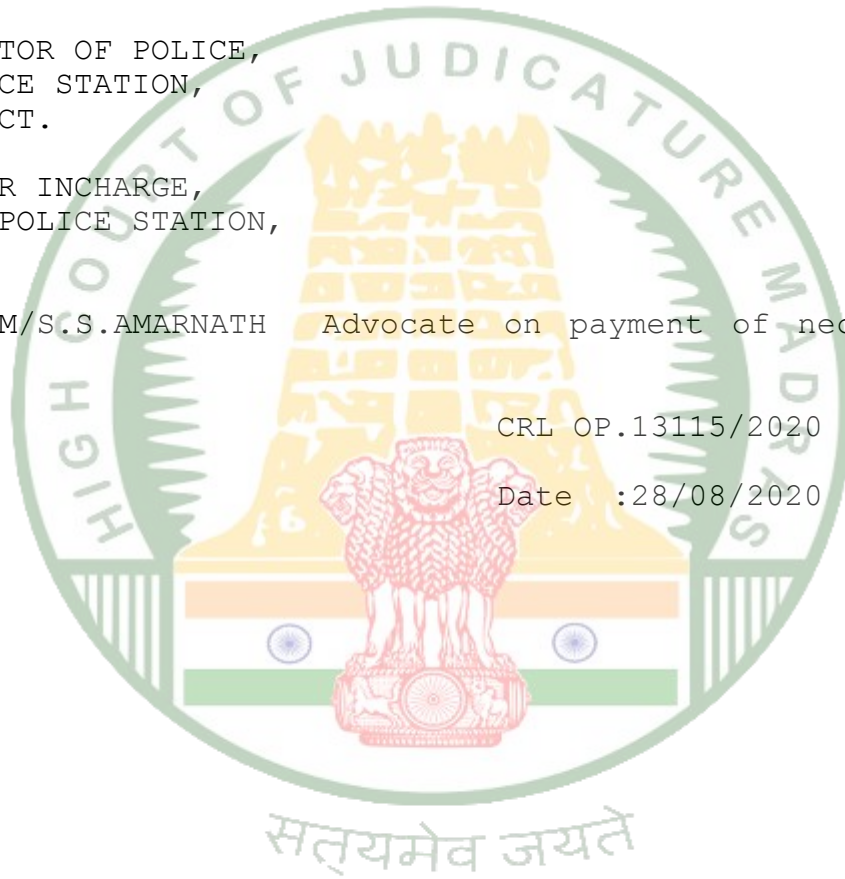
5 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

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

CRL OP.13115/2020

Date :28/08/2020

MK:09/09/2020



WEB COPY