



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

WEB COPY

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

Crl.O.P.No.13440 of 2020

Dinesh

... Petitioner

Vs.

The State Rep. by
The inspector of Police,
Namakkal Police Station,
Namakkal District.
Crime No.787 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.787 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

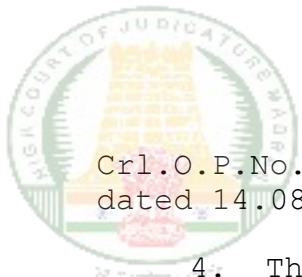
O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.06.2020 for the offences punishable under Section 302 and 201 IPC in Crime No.787 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Tamilarasi, VAO is that on 07.06.2020, the petitioner appeared before her and confessed that due to money dispute, he had committed the murder of the deceased Naresh Kumar on 04.06.2020 and buried the body in his house with the help of his friends Ajithkumar, Madhanraj and Vadivel.

3. The learned counsel appearing for the petitioner would submit that due to money dispute, there was a quarrel between them and due to sudden provocation, the petitioner had committed the murder. He would further submit that the petitioner was arrested on 08.06.2020 and he is in custody for more than 65 days. He would further submit that the co-accused in this case have been granted bail by this Court vide order dated 30.07.2020 in Crl.O.P.No.10703 of 2020 and also submitted that the earlier bail application preferred by the petitioner in



Crl.O.P.No.12092 of 2020 was dismissed by this Court vide order dated 14.08.2020 and major part of the investigation is over.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the main accused, who had lent Rs.20 lakhs to the deceased. Since the same was not repaid, he instigated the other accused to bring the deceased to his house and he was kept in his custody for two days and later the petitioner had stabbed him and committed the murder of the deceased and buried the body in his own house with the help of other accused. Based on the extra judicial confession of the accused the body was exhumed and the mother of the deceased has stated that she has lastly seen her son along with A2, who was working under this petitioner.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel, and that the major part of the investigation is over and also considering the period of incarceration suffered by the petitioner from 08.06.2020, 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) 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-I, Namakkal, 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 stay at Salem and report before the Salem Town 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
01/09/2020

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-I, NAMAKKAL

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SALEM TOWN POLICE STATION, SALEM.

5 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO. 6083

CRL OP.13440/2020

Date : 01/09/2020