

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13368 of 2020

Sankar

... Petitioner

Vs.

The State Rep. by
The inspector of Police,
Yethapur Police Station,
Salem District.
Crime No.503 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.503 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 04.07.2020 for the offences punishable under Section 174 Cr.P.C. @ 302 IPC in Crime No.503 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Nallathambi is that his sister is a widow and she was having money out of the motor accident claim from the death of her husband. The accused developed illicit intimacy with his sister and thereafter had borrowed the money and not returned the same, due to which there was a quarrel on 17.06.2020 between the petitioner and the victim and his sister was murdered by the petitioner by strangulation.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the case. He would submit that the case was registered under Section 174 Cr.P.C. as suspicious death and thereafter on the alleged confession statement of the petitioner stated to have been recorded by the VAO, the case was altered to Section 302 IPC. He would further submit that the petitioner is in judicial custody from 04.07.2020.

4. The learned Government Advocate (Cr1. Side) would submit that the petitioner developed illicit intimacy with the victim/sister of the defacto complainant who is a widow and due to money dispute, the petitioner committed murder of the victim by strangulation. He further submitted that investigation is pending.

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 04.07.2020, 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-I, Athur, 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 Namakkal and report before the Namakkal 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,
ATHUR, SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
NAMAKKAL TOWN POLICE STATION, NAMAKKAL

5 THE INSPECTOR OF POLICE,
YETHAPUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO. 6084

CRL OP.13368/2020

Date : 01/09/2020

GKS:04/09/2020