

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2020

CORAM :

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

Crl.O.P.No.14030 of 2020

Kuppusamy
S/o. Kesavan

... Petitioner

Vs.

The State Rep. By
Inspector of Police
Desur Police Station
Desur
Tiruvannamalai District
(Crime No.683 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.683 of 2020.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.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 20.07.2020 for the offences punishable under Sections 302 IPC, in Crime No.683 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed murder of his own son and the complaint was given by his daughter-in-law.

3.The learned counsel appearing for the petitioner would submit that the petitioner's son-in-law and the brother-in-law of the deceased passed away in Bangalore during pandemic. He would further submit that when the petitioner had insisted his son to obtain e-pass to attend the funeral of his son-in-law, the same was refused by his son, thereby quarrel arose between them during which, the incident took place. He would further submit that there was no intention or motive to commit murder of his own son. He would further submit that the petitioner was arrested on 20.07.2020 and he is in judicial custody for more than 50 days.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the father of the deceased. When the petitioner compelled the deceased to attend the funeral of his son-in-law, the deceased refused the same, thereby, quarrel arose between them, during which, the petitioner had committed the murder of his own son.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 20.07.2020, 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)the petitioner shall within a period of two weeks from the date of commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, for a likesum to the satisfaction of the learned Judicial Magistrate, Vandavasi, 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 his release from prison, stay at Thiruvannamalai and report before the Thiruvannamalai 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/-

09/09/2020

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,
VANDAVASI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DESUR POLICE STATION,
DESUR,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI

+1 CC to M/S.B.JAWAHAR Advocate on payment of necessary charges
SR 6188

सत्यमेव जयते

CRL OP.14030/2020

Date : 09/09/2020

RD 11/09/2020

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