

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14395 of 2020

K.Paramanantham

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Namakkal Police Station,
Namakkal District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.114 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Nagendra Prasad

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 09.03.2020 for the offence punishable under **Section 302 of IPC, in Crime No.114 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Gayathry, the daughter of the petitioner is that the petitioner committed murder of his wife by suspecting her fidelity. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to enmity regarding land dispute. He would submit that the deceased is the second wife of the petitioner and that there was some dispute between the deceased and the petitioner. Even as per the complaint, the petitioner is said to have suspected the fidelity of the deceased. He would submit that the petitioner was arrested on 09.03.2020 and the investigation is completed and final report has been filed. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that it is a case where the petitioner committed murder of his second wife and that the murder has been done in a brutal manner. He would further submit that the respondent police have completed the investigation and filed final report and the same has been taken on file in P.R.C.No.22 of 2020 and it is pending committal on the file of the Judicial Magistrate-I, Namakkal and that the case has been posted to 16.09.2020 for next hearing.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the final report has been filed and the same has been taken on file in P.R.C.No.22 of 2020 on the file of the Judicial Magistrate-I, Namakkal, and also considering the period of incarceration of the petitioner from 09.03.2020, 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Namakkal, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 report before the learned Judicial Magistrate-I, Namakkal, on all working dates at 10.30 a.m. and if the concerned Court is not regularly functioning, the petitioner shall report before the respondent police daily at 05.30 p.m. until further orders.

(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/-
16/09/2020

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 NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT, CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

+1 CC to M/S. K.NAGENDRA PRASAD Advocate on payment of
necessary charges SR.NO.6270

CRL OP.14395/2020

Date :16/09/2020

GKS:18/09/2020