

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CRL.O.P.Nos.14574 & 14580 of 2020

- | | |
|------------------------------------|---|
| 1.Muniyappan @ Kandarun Muniyappan | ... 1 st petitioner in
Crl.O.P.No.14574 of 2020 |
| 2.Muniyappan @ Chinna Muniyappan | ... 2 nd petitioner in
CRL.O.P.No.14574 of 2020 |
| 3.Sampath Kumar | ... 3 rd petitioner in
CRL.O.P.No.14574 of 2020 |
| 4.Vanraj | ... 4 th Petitioner in
CRL.O.P.No.14574 of 2020 |
| 5.Gopal@ Gopalakrishnan | ... Petitioner in
CRL.O.P.No.14580 of 2020 |

Vs.

State Rep. By
The Inspector of Police,
Bagalur Police Station.
Krishnagiri District.
(Crime No.470 of 2020)

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.470 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy
in both Crl.O.Ps

For Respondent : Mr.T.Shunmugarajeswaran
in both Crl.O.Ps Government Advocate (Crl. Side)

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 20.07.2020 for the offence punishable under **Sections 302, 120(B), 147, 148 of IPC in Crime No.470 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Venkatesan is that on 18.07.2020, while he was at home, he received information that his son/Parthaakumar was found lying dead with cut injuries all over his body and he suspected that the accused would have committed the murder, due to the previous enmity.

3. The learned counsel would submit that the petitioners are innocent and they have been falsely implicated in this case, due to suspicion. He would submit that prior to one month, there was a dispute between the son of the defacto complainant and the accused. In respect of which, case and case in counter were registered by the respondent police in Crime Nos.86 & 87 of 2020. Thereby, on suspicion, the petitioners were arrested in this case.

4. The learned Government Advocate would vehemently oppose the contention by stating that due to previous enmity between the deceased and the petitioners, the petitioners have committed the murder of the son of the defacto complainant. He would submit that the incident happened in an isolated place and prior to the occurrence, there was a dispute between the deceased and the petitioners, due to which, the case and case in counter were registered. He would submit that the accused have confessed, based on which, the respondent has recovered knives and the investigation is pending. He would further submit that there is one previous case against the petitioner in CrI.O.P.No.14580 of 2020. Hence, he vehemently opposed for the grant of bail.

5. As far as the petitioner in CrI.O.P.No.14580 of 2020 is concerned, this Court is not inclined to grant bail as the petitioner has one previous case. Hence, his bail application stands dismissed.

6. As far as the petitioners in CrI.O.P.No.14574 of 2020 is concerned, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) Thereafter, the petitioners 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 No.I, Hosur, 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 petitioners on their release from prison, shall stay at Cuddalore and report before the Cuddalore Old Town Police Station daily at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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/-
18/09/2020

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,
HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BAGALUR POLICE STATION,
KRISHNAGIRI DISTRICT

6 THE OFFICER INCHARGE
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE

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

CRL OP.14574 & 14580 of 2020

Date :18/09/2020

GKS:22/09/2020