

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 14489 of 2020

P.MUTHUPANDY @ RAGUL

... Petitioner/1st Accused

Vs.

State rep by its

... Respondent/Complainant

The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.2126 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.2126 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mrs.S.Thankira

Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Sections 294 (b), 307, 506(ii) of IPC and subsequently, altered into Sections 294 (b), 307, 506(ii) and 302 of Indian Penal Code, 1860, in Crime No.2126 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that one Geetha, who is a neighbour of the defacto complainant, was having illicit intimacy with the petitioner and the petitioner used to visit the house of the said Geetha in the absence of her husband. On 03.08.2020, when the same was questioned by the defacto complainant and his father, the petitioner got anger and on the instigation of the said Geetha, the petitioner had committed murder of the father of the defacto complainant and also caused injury to the defacto complainant. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the said Geetha is relative to the petitioner and that the defacto complainant and his father misbehaved with the defacto complainant and thereby, during the quarrel, the incident had happened and a false complaint has been given as if, there was a illicit intimacy between the Geetha and the petitioner herein. He would submit that the petitioner was arrested on 04.08.2020 and that he is custody for more than 56 days. He would submit that the major part of the investigation is over and that the petitioner is prepared to abide by any stringent condition that may be imposed on him.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had illicit intimacy with one Geetha, who is the neighbour of the defacto complainant and that he visited her house very often and when it was questioned by the defacto complainant and his father, the petitioner has got anger and assaulted the defacto complainant and his father with knife and he has also caused serious injury on the vital part of the defacto complainant's father, due to which, the father of the defacto complainant died and defacto complainant has sustained injuries. She would submit that the investigation is pending. Hence, she vehemently opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel and that the petitioner is in custody from 04.08.2020, 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 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.II, Kancheepuram and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Cuddalore and report before the Cuddalore Old Town Police Station every day at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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/-

29/09/2020

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.II,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE
CUDDALORE OLD TOWN POLICE STATION
CUDDALORE.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. D.DAYALAN Advocate on payment of necessary charges
SR.NO.6505

CRL OP.14489/2020

Date :29/09/2020