



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.09.2020

CORAM :

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

Crl.O.P.No.14491 of 2020

Sedhuraman

... Petitioner

Vs.

State Rep. By
Sub Inspector of Police,
Thirupathur Taluk Police Station,
Vellore District.
(Crime No.743 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.743 of 2020 on the file of the Sub Inspector of Police, Thirupathur Taluk Police Station, Vellore District.

For Petitioner : Mr.E.Kannadasan

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 05.08.2020 for the offence punishable under **Section 302 of IPC in Crime No.743 of 2020**, on the file of the respondent police, seeks bail.

2. It is a case of patricide and that it was registered on the complaint of one Sivakumar, the Village Administrative Officer of Perampattu Village that on 05.08.2020, he received information that one Balakrishnan was lying dead in his house and when he visited the house he had seen the bureau was opened and the articles were scattered around the hall. On enquiry, the son of the deceased had told him that he demanded money from his father and when he refused, he hit him with a wooden log, due to which, his father died.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that some unknown persons who have committed theft in the house committed the murder of his father and that the petitioner was unnecessarily fixed in the said occurrence. He would further submit that except the so called extra judicial confession stated to have been given to the VAO, there is no other material to implicate the petitioner and there is also no eye witnesses who have seen the petitioner having committed the murder. He would further submit that the petitioner was arrested on 05.08.2020.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner demanded money from his father and when he refused to part with the money, the petitioner had assaulted him with wooden log, due to which, his father died and the complaint was given by the VAO based on the extra judicial confession given by the petitioner.

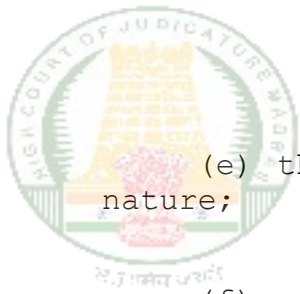
5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(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 No.II, Thiruppathur, 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 stay at Vellore and report before the Sathvachari Police Station daily 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/-
17/09/2020

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,
THIRUPATHUR

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
THIRUPATHUR TALUK POLICE STATION,
VELLORE DISTRICT.

6 THE OFFICER INCHARGE
SATHVACHERI POLICE STATION,
VELLORE

CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges

CRL OP.14491/2020

Date :17/09/2020

GKS:21/09/2020