

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.14599 & 14601 of 2020

Satish Kumar @ Satish

... Petitioner in
CRL.O.P.No.14599 of 2020

Ilakkiya @ Tamil Ilakkiya

... Petitioner in
CRL.O.P.No.14601 of 2020

Vs.

State rep. by:

The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam,
Chennai.

(Crime No.1108 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.1108 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.P.Sathyamurthy
in both Crl.O.Ps

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 12.07.2020 and 07.08.2020 for the offences punishable under **Sections 147, 148, 341, 294(b), 307, 302 and 120(B) of IPC in Crime No.1108 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a dispute between the family members of the defacto complainant and the accused due to disposal of sewage and waste and there was a fight on 10.07.2020. Further, allegation is that on 12.07.2020, the family members of the petitioner along with their friends entered into the house of the defacto complainant and assaulted the father

of the defacto complainant, due to which, the father of the defacto complainant died and the other family members sustained injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioner in CRL.O.P.Nos.14599 of 2020 is arrayed as A3 and the petitioner in CRL.O.P.No.14601 of 2020 is arrayed as A10. He would further submit that the name of the petitioner in CRL.O.P.Nos.14599 & 14601 of 2020 does not find place in FIR and as far as the petitioner in CRL.O.P.No.14601 of 2020 is concerned, the allegation against her is that she had instigated the other accused to commit murder. He would submit that the entire family members have been roped in this case and the main accused in this case one Vicky, Arul and PaulKumar have been detained under Act 14 and the major part of the investigation is over. He would submit that as far as the petitioner in Crl.O.P.No.14601 of 2020 is concerned, one Anjali Devi, who is also similarly placed has been granted bail by this Court vide order dated 11.09.2020 in Crl.O.P.No.14148 of 2020 with a condition to stay at Kancheepuram and report before the Vishnu Kanchi B2 Police Station every day at 10.30 a.m., until further orders. He would further submit that the petitioner in CRL.O.P.No.14601 of 2020 has two small children, aged about 5 and 3 respectively. He would further submit that the petitioners are prepared to abide by any stringent conditions that to be imposed on them by this Court.

4. The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioners along with other accused committed the murder of the father of the defacto complainant and also caused injury to the defacto complainant and his family members. He would submit that the investigation is pending and the three accused have been detained under Act 14 of 1982.

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 petitioners, this Court is inclined to grant bail to the petitioner 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, Alandur, 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 in CRL.O.P.Nos.14599 & 14601 of 2020, on his release from prison shall stay at Tindivanam and report before the Tindivanam Town Police Station daily at 10.30 a.m., and 5.30 p.m., until further orders.

(e) the petitioner in CRL.O.P.No.14601 of 2020 shall on her release from prison report before the respondent police daily at 10.30 a.m., until further orders.

(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 Petitions are 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,
ALANDUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-8, ADAMBAKKAM POLICE STATION,
ADAMBAKKAM CHENNAI-88.

5 THE OFFICER INCHARGE
TINDIVANAM TOWN POLICE STATION,
TINDIVANAM

CC to M/S.A.P.SATHYAMURTHY Advocate on payment of necessary charges

CRL OP.14599 & 14601 of 2020

GKS:22/09/2020

Date :18/09/2020

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