

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

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

CRL.O.P.Nos.14780, 14795 and 14800 of 2020

1. SETTU @ HASAN MOHAMMED
2. PRASANTH
3. VINOTHKUMAR

... Petitioners in
Crl.O.P.No.14780/2020

1. MAHESH @ MAHENDRAN
2. BALAJI

... Petitioners in
Crl.O.P.No.14795/2020

VINOTH

... Crl.O.P.No.14800/2020

Vs.

The State Rep. By
Inspector of Police
Thiruvavur Town Police Station,
Thiruvavur District.
(Crime No.1515 of 2020)

... Respondent in
all the Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners/accused on bail in Crime No.1515 of 2020 on the file of the respondent police.

For Petitioner in : Mr.Swami Subramanian
all the Crl.O.Ps

For Respondent in : Ms.S.Thankira
all the Crl.O.Ps Government Advocate (Crl. Side)

C O M M O N O R D E R

(The case has been heard through video conference)

Crl.O.P.No.14780 of 2020: The petitioners, who were arrested and remanded to judicial custody on 17.07.2020 for the offences punishable under **Sections 302 of IPC @ 147, 148, 149, 120(b), 364 and 302 of IPC, in Crime No.1515 of 2020**, on the file of the respondent police, seek bail.

Crl.O.P.No.14795 of 2020: The petitioners, who were arrested and remanded to judicial custody on 17.07.2020 for the offences punishable under **Sections 302 of IPC @ 147, 148, 149, 120(b), 364 and 302 of IPC, in Crime No.1515 of 2020**, on the file of the respondent police, seeks bail.

Crl.O.P.No.14800 of 2020: The petitioner, who was arrested and remanded to judicial custody on 09.07.2020 for the offences punishable under **Sections 302 of IPC @ 147, 148, 149, 120(b), 364 and 302 of IPC, in Crime No.1515 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Punitha is that on 07.07.2020 one Manikandan @ Thothamani had informed her that the accused had taken a car bearing Reg.No.TN 50 J 6941 from Ramu Travels and gone to bring his husband back from jail. While so, on 08.07.2020, when she had called her husbands friends to find out her husband and their phones were switched off. Later, she found her husband's body wrapped in a polythene bag, near the water channel at railway goods shed. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case only on suspicion. He would submit that infact the petitioners are the friends of the deceased and they are no way connected with the alleged offence. He would further submit that the petitioners have been suffering incarceration for more than two months from 17.07.2020 and 09.07.2020 respectively. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that due to enmity, the petitioners who are the friends of the deceased have committed the murder of the deceased and wrapped the body in a polythene bag and left it near the water channel at railway goods shed and that the investigation is pending. Hence, she vehemently opposed for grant of bail.

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 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 separate 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, Thiruvvarur, Thiruvvarur District, 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 Madurai and report before the Inspector of Police, Thallakkulam Police Station, Madurai, everyday at 10.30 a.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, these Criminal Original Petitions are ordered.

-sd/-
22/09/2020

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,
THIRUVARUR, THIRUVARUR DISTRICT

2 THE SUPERINTENDENT,
DISTRICT PRISON, PUDUKOTTAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

5 THE INSPECTOR OF POLICE,
THALLAKKULAM POLICE STATION,
MADURAI

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.14780, 14795 and 14800 of 2020

Date : 22/09/2020

GKS:24/09/2020

WEB COPY