

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

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

CRL.O.P.No.14913 of 2020

1. SOUNDARARAJAN

2. SUBBU @ SUBRAMANI

... Petitioners

Vs.

State rep. by

The Inspector of Police,
VALAVANYHINADU Police Station,
Namakkal District.

(Crime No.166 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail, pending investigation in Crime No.166 of 2020 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The first petitioner, who was arrested and remanded to judicial custody on 29.07.2020 and the second petitioner who was arrested and remanded to judicial custody on 30.07.2020 for the offence punishable under Section 302 IPC, in Crime No.166 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant one Rani is that due to land dispute and enmity, the petitioners who are the relatives of her had committed the murder of her husband.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent. He would further submit that even as per the F.I.R. the defacto complainant is not an eye witness to the occurrence and that they have been falsely implicated in this case. He would further submit that the petitioners are prepared to abide by any stringent conditions. He would further submit that the 1st petitioner was arrested on 29.07.2020 and the 2nd petitioner surrendered before the learned Judicial Magistrate, Sendamangalam on 30.07.2020.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioners are the cousins of the deceased, due to land dispute, they had committed the murder of the deceased by attacking him with machete and knife, due to which, the victim died on the same spot. She would further submit that the 1st petitioner was arrested on 29.07.2020 and the 2nd petitioner was surrendered before the learned Judicial Magistrate, Sendamangalam on 30.07.2020. She would further submit that the investigation is completed and the charge sheet is made ready and is pending opinion from the Assistant Director, prosecution.

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 and on taking note of the fact that the investigation is completed and the charge sheet is made ready, 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)** each with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sendamangalam, 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 Virudhachalam and report before the Virudhachalam Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not visit 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/-
23/09/2020

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, SENDAMANGALAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANTHINADU POLICE STATION,
NAMAKKAL DISTRICT.

5 THE OFFICER INCHARGE,
VIRUDHACHALAM TOWN POLICE STATION,
VIRUDHACHALAM.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.6394

CRL OP.14913/2020

Date :23/09/2020

MK:24/09/2020



WEB COPY