

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2020

CORAM :

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

CRL.O.P.No.15003 of 2020

Mani

... Petitioner

Vs.

State rep by
The Inspector of Police
Kariyalur Police Station
Kallakurchi District (Now)
(Crime No.251 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.251 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.07.2020 for the offence punishable under **Section 302 IPC, in Crime No.251 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant who is the Village Administrative Officer, Nilavur, is that he found a dead body of a male person in a highly decomposed stage and based on his complaint, originally the case was registered under Section 174 Cr.P.C. and later altered to Section 302 IPC. During the course of investigation, it came to light that the petitioner had illicit intimacy with the wife of the deceased and thereby, the petitioner conspired with the wife of the deceased and committed the murder by giving Alcohol. Thereafter, to screen the evidence, threw the body inside the forest area.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case only on suspicion. He would further submit that the major part of investigation is over and the petitioner has

been suffering incarceration for more than 70 days from 08.07.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner had illicit affair with the wife of the deceased due to which, they conspired together, gave liquor to the deceased and committed the murder and thereafter, threw the body inside the forest area. She would further submit that the skull of the deceased has been taken for superimposition test.

5.Taking into consideration that it is a case of circumstantial evidence 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, Sankarapuram, 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 Chennai and report before the Koyambedu Police Station, daily at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limit of the respondent police 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 55601;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/09/2020

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,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIYALUR POLICE STATION,
KALLAKURICHI DISTRICT (NOW).

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

6 THE OFFICER INCHARGE
KOYAMBEDU POLICE STATION,
CHENNAI.

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

CRL OP.15003/2020

Date : 24/09/2020

TA-25/09/2020