

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.14956 of 2020

1.Madhan
2.Venkatesan

... Petitioners

Vs.

State by
Inspector of Police
Melpatti Police Station
Vellore District
(Crime No.288 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.288 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.P.Palanichamy

For Respondent : Ms.S.Thankira
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 07.08.2020 and 08.08.2020 for the offences punishable under **Section 174 Cr.P.C and subsequently altered into 302 IPC, in Crime No.288 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Rojaramani is that her brother who had gone to consume alcohol on 05.08.2020 and did not return home and on the next day, she got information that her brother was found dead with bleeding injuries near Rajakkal Village bus stand. During the course of investigation, it was found that A1 in this case had illicit intimacy with the wife of the deceased, due to which, he along with A2 committed the murder of the deceased.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on a suspicion. He would further submit that due to misunderstanding, the deceased separated from his wife and was living separately for 1½ years. He would further submit that the deceased suspected that A1 has illicit intimacy with his wife. He would further submit that other than that, there is no material is available to implicate the petitioners in this crime. He would further submit that it is a case of circumstantial evidence and they have been arrested only on suspicion. He would further submit that the 1st petitioner was arrested on 07.08.2020 and the 2nd petitioner was arrested on 08.08.2020.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the 1st accused had illicit intimacy with the wife of the deceased, due to which, there was a quarrel and the petitioners have jointed together and assaulted him with knife and hands and also committed the murder of the deceased. She would further submit that the investigation is pending and the chemical report is awaited.

5. Taking into consideration of the facts and circumstances and considering the submissions of 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) each before the Superintendent of the concerned prison, in which the petitioner has 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, Gudiyatham, 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 Chengalpet and report before the Chengalpet Town Police Station everyday at 10.30 a.m. until further orders. The petitioners shall not enter into 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/-
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,
GUDIYATHAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MELPATTI POLICE STATION,
VELLORE DISTRICT.

5 THE OFFICER INCHARGE
CHENGALPET TOWN POLICE STATION,
CHENGALPET

CC to C.P.PALANICHAMY Advocate on payment of necessary
charges

CRL OP.14956/2020

Date :24/09/2020

GKS:25/09/2020