

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.10.2020

CORAM :

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

CRL.O.P.No.15612 of 2020

1.KAMAL @ KARTHICK
2.VINOTH @ VINOTHKUMAR

... Petitioners

Vs.

STATE: rep by
The Inspector of Police
R-6. Kumaran Nagar Police Station
Chennai
(Crime No.1165 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in pending investigation in Crime No.1165 of 2020 on the file of Inspector of Police, R-6, Kumaran Nagar Police Station, Chennai.

For Petitioners : Mr.A.Veeran

For Respondent : Mr.T.Shunmugarajeswaran
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 26.07.2020 for the offences punishable under Section 341, 302 IPC in Crime No.1165 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Selvi is that she is a widow and she had developed intimacy with one Muniyandi who is a married man. Further allegation is that the 1st petitioner who is the son of the defacto complainant who was against their relationship had developed enmity with her friend Muniyandi due to illicit relationship and he along with other petitioner had committed the murder of her paramour on 26.07.2020. The petitioner was arrested on 28.07.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that the mother of the 1st petitioner suspected that the petitioners would have committed the murder, has given a complaint. He would further submit that even as per the F.I.R. the defacto complainant is not the witness to the occurrence. He would further submit that the petitioners were arrested on 28.07.2020 and that they are in custody for more than 60

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the defacto complainant is the mother of the 1st petitioner, who is a widow and she had developed intimacy with the deceased Muniyandi after the death of the father of the 1st petitioner. The 1st petitioner was against such relationship, hence, he along with his friend had committed murder of the victim Muniyandi by assaulting him with knife on the head and stomach. He would further submit that the investigation is pending.

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 a separate 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 XXIII Metropolitan Magistrate, Saidapet, Chennai and on further conditions that;

(b) 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;

(c) the petitioners on their release from prison, shall stay at Villupuram and report before the Villupuram Town Police Station, everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-

05/10/2020

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI-66.

6 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

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

CRL OP.15612/2020

Date :05/10/2020

RVR 06/10/2020