

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 15524 of 2020

- 1.Veeramani
- 2.Siddharaj
- 3.Mahalingam
- 4.Arumugam
- 5.Imman @ Sankar

... Petitioners/Accused Nos. 2 to 6

Vs.

The State represented by,
The Inspector of Police,
Panjapalli Police Station,
Dharmapuri District.
(Crime No. 356 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioner on bail in Crime No. 356 of 2020, on the
file of the respondent police.

For Petitioners : Mr.V.Vargees Amal Raja

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. 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 04.08.2020 for the offences punishable under Section
302 of IPC in Crime No.356 of 2020 on the file of the respondent
police, seek bail.

2 The case of the prosecution as per the defacto complainant viz., Madevan, is that his son Vijay/victim, fell in love with one Rajeshwari D/o.Muniraj, who is studying B.E. III year and when it came to the knowledge of the parents of the victim and the said Rajeshwari, they eloped from the home and married in a temple. Thereafter, both the families brought them back on the assurance that the marriage would be conducted between them in a grand manner and the said Rajeshwari was taken back to her parents house. Whiles, on 01.08.2020, relatives of victim called the defacto complainant and informed him that his son Vijay was found lying dead on the road side with injuries. Based on the complaint, a case was registered. Later, during the course of investigation, it came to light that A1, father of the said Rajeshwari, who was against the marriage between her daughter and the son of the defacto complainant, had called him to a secluded place and with the help of other accused, had committed the murder of the victim.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case since the police has suspected that the petitioners, who are the relatives of the first accused were against the consent of the marriage, have committed the murder of the victim/Vijay. He would further submit that even as per the FIR, there is no eye witness to the occurrence and that the petitioners have been implicated based on circumstantial evidence. He would submit that the petitioners were arrested on 04.08.2020 and that they are in judicial custody for more than 60 days and that there is no previous case pending against the petitioners. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are relatives of A1/Muniraj. The daughter of Muniraj viz., Rajeshwari fell in love with the son of the defacto complainant viz., Vijay and they eloped from the home and got married. Thereafter, on the assurance of conducting the marriage, the girl was taken back to the house of first accused/Muniraj. However, the said Muniraj was against the marriage between his daughter and the son of the defacto complaint, due to the difference in financial status in the society and thereby, he had approached his relatives and they have called the victim to a secluded place for discussion and when the victim arrived to a secluded place, they have brutally murdered the victim. He would submit that the investigation is pending. Hence, he opposed to grant bail to the petitioners.

5 At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are relatives of both the defacto complainant as well as the first accused and that they were not against the marriage and that they are prepared to abide by any stringent conditions that may be imposed on them by this Court. Hence, he prays to grant bail to the petitioners.

6 Taking into consideration the facts and submissions made by the learned counsel and also considering the fact that the petitioners are in jail from 04.08.2020, 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 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, Palacode 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 shall stay at Nagarcoil and report before **Kottar Police Station** everyday at 10.30 a.m., until further orders and the petitioners shall not enter into the jurisdictional limits of the respondent police.

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

(e) the petitioners shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
06/10/2020

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 THE JUDICIAL MAGISTRATE,
PALACODE.

2 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANJAPALLI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE OFFICER INCHARGE,
KOTTAR POLICE STATION,
NAGARCOIL.

+1CC to M/S.V.VARGEES AMAL RAJA Advocate on payment of
necessary charges SR NO.6668

CRL OP.15524/2020

MK:07/10/2020

Date :06/10/2020

WEB COPY