

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15725 of 2020

Anandhan

... Petitioner/Accused(Single)

Vs.

The State represented by,
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Crime No. 2208 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 2208 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.07.2020 for the offences punishable under Section 302 of IPC, in Crime No. 2208 of 2020 on the file of the respondent police, seeks bail.

2 It is a case of matricide. The case of the prosecution is that the victim, who is the mother of the petitioner was suffering from tuberculosis for the past three years and that four days prior to the occurrence, her health condition deteriorated and unable to bear the pain, the victim had asked the petitioner to kill her and the petitioner had committed murder of his mother. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that admittedly, the mother of the petitioner was suffering from chronic tuberculosis and diabetics and that she was unable to have her food for the past four days prior to the occurrence and there by, she had committed suicide by slitting her throat, whereas, a false case has been projected by the respondent police as if the petitioner has committed murder of his mother. He would submit that the petitioner was

arrested on 26.07.2020 and he is in judicial custody for 73 days as on today. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on the petitioner. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner's mother is the victim and she was suffering from chronic tuberculosis and diabetics for the past three years and unable to bear pain, she had asked the petitioner to kill her and thereby, the petitioner had committed murder of his mother by slitting her throat. He would submit that the investigation is pending and that there is no previous case pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner is in custody for 73 days as on today, 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 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, Sriperumbudur 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 petitioner shall stay at Madhuranthagam and report before Madhuranthagam Town Police Station everyday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

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

(e) the petitioner shall not abscond during trial;

(f) the petitioner 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 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 5560];

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

6 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,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUR POLICE STATION,
KANCHEEPURAM DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

6 THE OFFICER INCHARGE,
MADHURANTHAGAM TOWN POLICE STATION,
MADHURANTHAGAM

CC to M/S. G.BALAMANIKANDAN Advocate on payment of necessary charges Sr.6633

WEB COPY

CRL OP.15725/2020

Date :06/10/2020

RVR 07/10/2020