

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2020

CORAM :

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

CRL.O.P.No.15919 of 2020

1.MARAGATHAVEL @ MARAGATHAVELAN ... Petitioners
2.PANDIYAN @ RAJAPANDIYAN
3.DEELIPAN @ DEELIPANPATHI
4.PRABAKARAN

Vs.

The State Rep. By ... Respondent
Inspector of Police,
Thiruvarur Police Station,
Thiruvarur District.
Crime No.1515/2020.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1515 of 2020 on the file of the Inspector of Police, Thiruvarur Town Police Station, Thiruvarur District.

For Petitioners : Mr.Swamisubramanian

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 17.07.2020 for the offences punishable under **Sections 302 of IPC @ 147, 148, 149, 120(b), 364 and 302 of IPC, in Crime No.1515 of 2020** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Punitha is that on 07.07.2020 one Manikandan @ Thothamani had informed her that the accused had taken a car bearing Reg.No.TN 50 J 6941 from Ramu Travels and gone to bring her husband back from jail. While so, on 08.07.2020, when she had called her husband's friends to find out her husband's whereabouts, their phones were switched off. Later, the dead body of her husband was found wrapped in a polythene bag,near the water channel at railway goods shed. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case only on suspicion. He would submit that infact the petitioners are the friends of the deceased and they are no way connected with the alleged offence. He would further submit that the petitioners have been suffering incarceration for more than three months from 17.07.2020. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that it is a case where the petitioners who are the friends of the deceased, in order to take revenge against him, conspired and committed the murder. He would further submit that A4 in this case is having several cases as against him and hence he has been detained under Act 14, pursuant to the order passed in C.O.C.4 of 2020, dated 11.10.2020, by the District Collector, Thiruvarur.

5.Taking into consideration of the fact that the 4th petitioner / A4 in this case has been detained under Act 14 in COC.4 of 2020 dated 11.10.2020 by the District Collector, Thiruvarur, this Court is not inclined to grant bail to the 4th petitioner. The bail application as against the 4th petitioner stands dismissed accordingly.

6.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 from 17.07.2020, this Court is inclined to grant bail to the petitioners 1 to 3 subject to the following conditions:

(a) Accordingly, the petitioners 1 to 3 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 Judicial Magistrate, Thiruvarur, Thiruvarur District**, 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 1 to 3 on their release from prison, shall stay at Nagarcoil and report before the Kottar Police Station, everyday at 10.30 a.m. until further orders.

(d) the petitioners 1 to 3 shall not commit any offences of similar nature;

(e) the petitioners 1 to 3 shall not abscond either during investigation or trial;

(f) the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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.

7.With the above directions, this Criminal Original Petition stands dismissed as far as the 4th petitioner is concerned. This Criminal Original Petition stands ordered as far as the petitioners 1 to 3 are concerned.

-sd/-

14/10/2020

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,
THIRUVARUR, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

5 THE JAILER,
DISTRICT PRISON, PUDUKOTTAI.

6 THE OFFICER INCHARGE,
KOTTAR POLICE STATION
NAGARCOIL.

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

CRL OP.15919/2020

Date :14/10/2020

TA-15/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>