

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

CRL.O.P.No.16080 of 2020

Singaravel

... Petitioner

Vs.

State by
Inspector of Police,
Andimadam Police Station,
Ariyalur District.
(Crime No.915/2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.915 of 2020 on the file of Inspector of Police, Andimadam Police Station, Ariyalur District.

For Petitioner : Mr.K.Balu

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.09.2020 for the offences punishable under Section 342 and 302 of IPC, in Crime No.915 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Rajamanickam is that there was a dispute due to previous enmity between the family members of the petitioner and the family members of the defacto complainant with regard to property since the family members of the defacto complainant had given an objection before the Sub Registrar's office and due to enmity, on 10.09.2020, the sons of the petitioner have declared that they will not leave the son of the defacto complainant. While so, on the date of occurrence, the petitioner had handed over a knife to his sons to do away with the son of the defacto complainant, thereby, A2 / Palanivel, the son of the petitioner, waylaid the son of the defacto complainant and caught hold of him and A2 / Singaravel also the son of the petitioner, had assaulted the victim with a knife on the shoulder and stabbed on the right side of the chest, due to which, he died.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that admittedly there was enmity between the family members of the petitioner and the family members of the defacto complainant and the incident had happened where one

son of the petitioner is alleged to have assaulted the son of the defacto complainant with knife. He would further submit that the entire family members have been implicated in this case, even as per F.I.R., the allegation as against the petitioner is that he has said to have handed over the knife to his son and who in turn had assaulted the son of the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that there was enmity between the family members of the petitioner and the family members of the defacto complainant, due to such dispute, on 10.09.2020, the petitioner along with his two sons, waylaid the son of the defacto complainant and handed over the knife to one of his sons and yet another son, caught hold of the victim and Al assaulted the son of the defacto complainant with knife on his shoulder and also stabbed on his chest, due to which, the victim succumbed to injury. He would further submit that the petitioner is a aged 58 years and he was admitted in the hospital at Trichy for his illness and after his treatment, he has been sent back to the jail.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the fact that the petitioner is said to have only handed over the knife to his son, who had assaulted the deceased, 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 No-II, Jayankondam. 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 on his release from prison shall stay at Trichy and report before the Trichy Cantonment Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter the jurisdictional limits of the respondent police.

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

(e) the petitioner shall not abscond either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/10/2020

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,
NO.II, JAYANKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ARIYALUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

6 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.

CC to M/S. K.BALU Advocate on payment of necessary charges
Sr.6979

CRL OP.16080/2020

Date :16/10/2020

RVR 19/10/2020

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