

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.No.17484 of 2020

Suresh

... Petitioner

Vs.

State rep.by

Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
(Crime No.2693 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2693 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Ranjith Kumar

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 22.08.2020 for the offences punishable under Sections 302 of IPC, in Crime No.2693 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Chandira is that on 22.08.2020 at about 7.00 a.m., she was informed by the Village Assistant that her husband Moorthy was found dead in the farm under mysterious circumstances and based on her complaint the case was registered. During the course of investigation, it came to light that the petitioner who is her son-in-law had committed the murder of her husband. Hence, the complaint.

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 the deceased is his father-in-law and he had in a inebriated conditions on the previous night, quarreled with some body and he was found dead on the next day in a mysterious circumstances. However, the petitioner was implicated in

this case based on the last scene theory. There is no witness to the occurrence and other than the alleged confession stated to have been recorded from the petitioner while he was in custody, there is no other material in this case. He would further submit that the petitioner was arrested on 22.08.2020 and he is in custody for more than 60 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that it is the second bail petition and the earlier bail petition has been dismissed by this Court vide order dated 16.09.2020 in Crl.O.P.No.14200 of 2020 and that it is a case where the petitioner has murdered his own father in law. The incident had happened during the quarrel when the deceased and the petitioner were having liquor together. He would further submit that the petitioner was arrested on 22.08.2020 and the investigation is pending.

5.Heard the learned Counsel on either side. Perused the 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 period of incarceration suffered by the petitioner, 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 Judicial Magistrate, Sengam, 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 Chennai and report before the Flower Bazaar Police Station everyday at 10.30 a.m. until further orders. 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 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/-

06/11/2020

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,
SENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

6 THE OFFICER INCHARGE
FLOWER BAZAAR POLICE STATION,
CHENNAI.

CC to M/S.N.RANJITH KUMAR Advocate on payment of necessary charges

CRL OP.17484/2020

Date :06/11/2020