

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.16535 of 2020

Murugavel

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
Valavanur Police Station,
Villupuram.
(Crime No.1416/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1416 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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 13.08.2020 for the offences punishable under Sections 302 of IPC 1860 @ Section 302, 109, 120-B of IPC 1860, in Crime No.1416 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Vasanthi is that her brother Dhanasekar was married to A1 / Rajeswari and they have two daughters viz. Sathya and Bhavani and his daughter Sathya is married to one Kumar. Meanwhile, his married daughter Sathya had developed intimacy with this petitioner. When her brother / father of Sathya came to know about their illicit intimacy, he had warned his daughter and the petitioner, due to which, the petitioner colluded with the A1/ wife of the deceased Dhanasekar and A2/ Sathya his daughter and had committed the murder of her brother.

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 petitioner was implicated in this case based on suspicion and he would submit that the petitioner was arrested on 13.08.2020 and he is in custody for more than 60 days.

4.The learned Government Advocate (Cr1.Side) appearing for the respondent would vehemently oppose stating that the petitioner is A3 herein. The deceased Dhanasekar was married to A1 / Rajeswari, she along with her married daughter one Sathya had committed the murder of her own husband. During the course of investigation, the fact came to light that A2 / Sathya, the daughter of the deceased was married to one Kumar and she had developed intimacy with this petitioner. When her father had warned his daughter and the petitioner, the petitioner colluded with the wife of the deceased Dhanasekar and his daughter Sathya and committed the murder of the deceased. The specific overt act against this petitioner is that he has instigated the other accused viz. A1 / wife of the deceased, A2 / daughter of the deceased to commit the murder. He would further submit that though the petitioner was not present in the scene of occurrence, after committing of murder, he had given asylum to the co-accused. He would further submit that the investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.986 of 2020 before the learned Judicial Magistrate No.II, Villupuram.

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 investigation has been completed, 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-II, Villupuram, 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 report before the respondent police everyday at 10.30 a.m. for a period of one month and thereafter report before the learned Judicial Magistrate No.II, Villupuram on all hearing dates in PRC 986/2020 until further orders.

(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,
VILLUPURAM DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges SR NO.6958

CRL OP.16535/2020

Date :16/10/2020

MK:19/10/2020