

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.16452, 16574 & 16623 of 2020

Dhanush @ Dhanush Raj ... Petitioner in Crl.O.P.No.16452 of 2020

Vignesh ... Petitioner in Crl.O.P.No.16574 of 2020

1.Jayanthi ... Petitioners in Crl.O.P.No.16623 of 2020

2.Sarasa

Vs.

The State Rep. By: ... Respondent in all Crl.O.Ps

The Sub-Inspector of Police,
Ambur Taluk Police Station,
Vellore District.
Crime No.1172 of 2020.

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1172 of 2020 pending investigation before the respondent police station.

In Crl.O.P.No.16452 of 2020

For Petitioner : Mr.E.Kannadasan

Crl.O.P.Nos.16452 & 16623 of 2020

For Petitioner : Mr.K.S.Kaviarasu

For Respondent : Mr.T.Shunmugarajeswaran

(in all Crl.OPs) Government Advocate (Crl. Side)

COMMON ORDER

(These cases have been heard through video conference)

The petitioners in Crl.O.P.Nos.16452 & 16623 of 2020, who were arrested and remanded to judicial custody on 01.09.2020 and the petitioner in Crl.O.P.No.16574 of 2020, who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Sections 174 of Cr.P.C., subsequently it was altered into 120(B), 302, 201 of IPC, in Crime No.1172 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Ramamoorthi is that his son Ramesh Babu was married to one Jayanthi and they have got two children and his son was working as a Electric Contractor and her daughter-in-law was working as a nurse in a private hospital. On 29.07.2020, at about 7 p.m, when the defacto complainant was sitting outside, his son along with one Manoharan had gone out in a Honda Activa. Thereafter, he did not come back home and it was informed to the defacto complainant by his daughter-in-law. On the next day morning around 5.30 a.m. when they were searching for the victim, it was informed that he was found lying dead after falling down from the two wheeler. Initially, the case registered for offence under Section 174 of Cr.P.C. Later, during the course of investigation, it came to light that the defacto complainant's daughter-in-law had developed illicit intimacy with one Raman and that the accused had decided to do away the son of the defacto complainant following which, on the fateful day, they have taken the son of the defacto complainant to a place near a river bed and offered him alcohol and thereafter, assaulted him due to which, he died. Hence, the complaint.

3.The learned counsel appearing for the petitioner Crl.O.P.No.16452 of 2020 would submit that the petitioner is the friend of one Raman and only on suspicion that he has colluded with the said Raman and the wife of the deceased in committing the murder, he has been implicated in this case. He would submit that initially the case was registered for offence under Section 174 Cr.P.C. and later based on the confession recorded from the arrested accused the case was altered into Section 302 IPC. Even as per the F.I.R, there is no eye witness to the occurrence. Hence, he prays for grant of bail.

4. The learned counsel appearing for the petitioner Crl.O.P.No.16623 of 2020 would submit that the petitioners are respectively the wife and mother-in-law of the deceased and they have been arrested only on the suspicion. Hence, he prays for grant of bail to the petitioners.

5. The learned counsel appearing for the petitioner Crl.O.P.No.16754 of 2020 would submit that the petitioner is the friend of the said Raman due to which, he has been falsely implicated in this case. Hence, he prays for grant of bail.

6.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that deceased is the husband of one Jayanthi. The said Jayanthi had developed intimacy with one Raman due to which, they conspired and decided to do away

the deceased. On the date of occurrence, they offered drink to the deceased and taken him to the river bed and assaulted him due to which, he died and thereafter, projected the case as if, the deceased died in an road accident. He would submit that the investigation is pending.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, **the petitioner in Crl.O.P.No.16452 of 2020** 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 Additional District Munsif cum Judicial Magistrate, Ambur,** and;

the petitioners in Crl.O.P.No.16574 of 2020 and Crl.O.P.No.16623 of 2020 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), with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate, Ambur,** 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 in Crl.O.P.No.16452 of 2020 and Crl.O.P.No.16574 of 2020 shall stay at Krishnagiri and report before the Town Police Station, everyday at 10.30 a.m. until further orders.

The petitioner in Crl.O.P.No.16623 of 2020 shall stay at Chennai and report before the North Beach Police Station, everyday at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police until further orders.

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

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

(f) the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the

SCW 5560];

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

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

-sd/-

03/11/2020

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 ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
AMBUR.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

4 THE SUB-INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

7 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

8 THE OFFICER INCHARGE,
TOWN POLICE STATION,
KRISHNAGIRI.

9 THE OFFICER INCHARGE,
NORTH BEACH POLICE STATION,
CHENNAI.

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

Cr1.O.P.Nos.16452, 16574
& 16623 of 2020
Date :03/11/2020