

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16768 of 2020

Saravanan

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by its Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District.
(Crime No.893 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.893 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.M.Abdul Majeed
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.08.2020 for the offence punishable under **Sections 294 (b), 324, 506(ii) and 302 IPC and later @ in to Sections 202, 212, 294(b), 324, 506(ii) and 302 IPC in Crime No.893 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Kasi is that on 18.08.2020, due to a quarrel in respect of grazing cattle in the field, the petitioner/A1 and the second accused have assaulted the wife of the defacto complainant with wooden log on her head due to which, she sustained injuries and died. Originally the case was registered for offence under Sections 294(b), 324, 506(ii) and 302 IPC and later altered into Sections 202, 212, 294(b), 324, 506(ii) and 302 IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that co-accused in this case have been granted bail by this Court vide Crl.O.P.No.14947 of 2020 and Crl.O.P.No.16063 of 2020 by order dated 24.09.2020 and

09.10.2020 respectively and that the petitioner has been suffering incarceration from 20.08.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused joined together and committed the murder of the wife of the defacto complainant.

5. Taking into consideration the above facts and circumstances and the submissions made by the learned Counsels and the fact that the co-accused in this case have been granted bail by this Court and also considering the period of incarceration suffered by the petitioner from 20.08.2020, 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, Thirukazhukundram** 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 **Vellore and report before the North Police Station, daily at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police 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.

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

-sd/-
28/10/2020

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,
THIRUKAZHUKUNDARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE SUPERINTENDENT,
POONAMALLE JAIL.

6 THE OFFICER INCHARGE,
NORTH POLICE STATION,
VELLORE.

+1 CC to M/S.W.M.ABDULMAJEED Advocate on payment of necessary charges SR.NO.7075

CRL OP.16768/2020

Date :28/10/2020

TA-29/10/2020

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