

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.No.17138 of 2020

Deepak (Bhaseer)

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police,
K-8, Arumbakkam Police Station,
Arumbakkam, Chennai.
(Crime No.969 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.969 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Sasikumar

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

ORDER

(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 **Section 302 IPC**, in Crime No.969 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant John Wesley is that the deceased Simon is his brother-in-law and that on 21.08.2020, the accused had committed the murder of his brother-in-law. Hence, the complaint.

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 the petitioner was arrested on 22.08.2020 for having committed the murder of one Simon. He would submit that there is no eye witness to the occurrence and the petitioner was arrested only based on the alleged confession statement recorded from him while he was in

custody and he has been suffering incarceration for more than 70 days and that the major part of investigation is over. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the deceased are friends. On 21.08.2020, they were consuming liquor inside his house of the accused. At that time, the deceased had teased the accused for having converted to another religion and there was a quarrel between them during which, the petitioner had stabbed the deceased indiscriminately with knife resulting in his death. He would submit that the occurrence had happened in the house of the accused and that the petitioner and the deceased were the two persons who were present on the date of occurrence and that the accused has to explain the reason for the death of the deceased. He would submit that the accused has already confessed about the murder and based on his confession, a knife has been recovered and that there are 22 cut injuries on the deceased. He would further submit that the investigation is at the crucial stage.

5.Heard the learned Counsel on either side and perused the F.I.R.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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 **learned V Metropolitan Magistrate Court, Egmore, Chennai**, 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 Madurai and report before the Thallakulam Police Station, everyday at 10.30 a.m. and 5.30 p.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.

7. 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 V METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
K-8, ARUMBAKKAM POLICE STATION,
ARUMBAKKAM, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE OFFICER INCHARGE,
THALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/S.M.SASIKUMAR Advocate on payment of necessary charges SR.NO.7200

CRL OP.17138/2020

Date :03/11/2020

TA-04/11/2020

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