

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 17406 of 2020

Muniraj

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Panjapalli Police Station,
Dharmapuri District.
Crime No.356 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 356 of 2020, on the file of the respondent police.

For Petitioner : Mr.V.Vargees Amal Raja

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Section 302 of IPC in Crime No.356 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Madevan, is that his son Vijay/victim, fell in love with one Rajeshwari, the daughter of the petitioner, who was studying B.E. III year and when it came to the knowledge of the parents of the victim, the said Rajeshwari, eloped with the deceased and married him in a temple. Thereafter, both the families brought them back on the assurance that the marriage would be conducted between them in a grand manner and the said Rajeshwari was taken back to her parents house. While so, on 01.08.2020, the relatives of the victim called the defacto complainant and informed him that his son Vijay was found lying dead on the road side with injuries. Based on the complaint, a case was registered. Later, during the course of investigation, it

came to light that Al/the petitioner/the father of the said

Rajeshwari, who was against the marriage between her daughter and the son of the defacto complainant, had called him to a secluded place and with the help of other accused, had committed the murder of the victim.

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 since initially the petitioner was against the marriage between his daughter and the victim. He would further submit that even as per the F.I.R., there is no eye witness to the occurrence. He would further submit that this is the second application for bail and the earlier petition was dismissed as withdrawn on 06.10.2020. He would submit that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.15524 of 2020 dated 06.10.2020 and that the petitioner has been in judicial custody for more than 90 days from 04.08.2020. However, till date charge sheet has not been filed. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the father of one Rajeshwari who fell in love with the son of the defacto complainant viz., Vijay and they eloped from their home and got married. Thereafter, on the assurance of conducting their marriage in a grand manner, the girl was taken back to her house. However, the petitioner was against the marriage between his daughter and the son of the defacto complaint, due to the difference in financial status in the society and thereby, he had approached his relatives and they have called the victim to a secluded place for discussion and when the victim arrived to the secluded place, they have brutally murdered him. He would further submit that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsel and the fact that the co-accused have been granted bail by this Court and the petitioner has been in judicial custody for more than 92 days and that the charge sheet has not been filed so far, 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) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palacode, 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 shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

(e) the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/11/2020

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

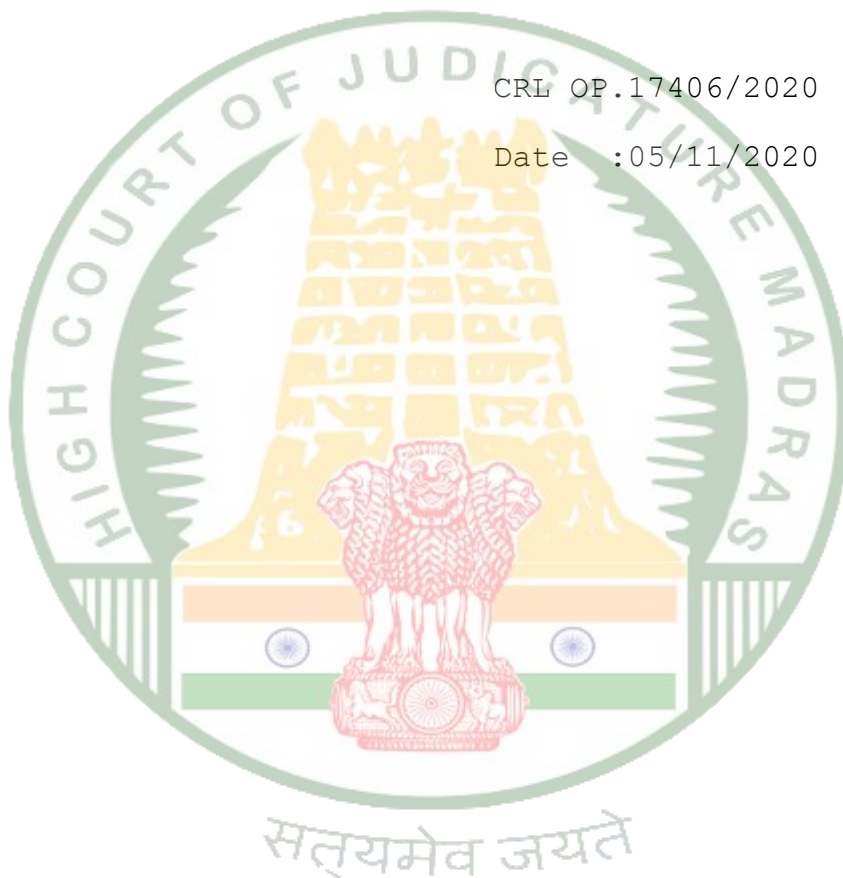
5 THE INSPECTOR OF POLICE,
PANJAPALLI POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S.V.VARGEES AMAL RAJA Advocate on payment of necessary
charges

CRL OP.17406/2020

Date :05/11/2020

cs 06/11/2020



WEB COPY