

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17293 of 2020

Saravanan

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Roshanai Police Station,
Villupuram District.
(Crime No.1698 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1698 of 2020 on the file of the Inspector of Police, Roshanai Police Station, Villupuram District.

For Petitioner : Mr.N.Sudharsan

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 08.09.2020 for the offences punishable under Sections 302 @ 302 & 404 of IPC in Crime No.1698 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant one Murugan is that on 07.09.2020 he received information through his brother-in-law one Vinayagam that his first wife Kanniammal was found dead inside the house and near the body, one beer bottle was also found. Based on the complaint, a case was registered. During the course of investigation, it came to light that the petitioner, who is the paramour of Kanniammal, committed theft of stud and chain weighing 11 grams and murdered her.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, due to previous enmity. He would submit that it is the case of circumstantial evidence and that the de facto complainant, suspecting his wife was having illicit affair with the petitioner, committed the murder and thereafter, given a false complaint. He would submit that the name of the petitioner does not find place in the FIR and that the petitioner was arrested only based on the alleged

confession statement recorded from him while he was in custody. He would submit that there is no eye-witness to the occurrence and that there is no previous case as against the petitioner. He would further submit that the petitioner is in custody from 07.09.2020 and hence, he prays for granting bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner, who is the paramour of the petitioner, committed murder and also taken away earring from the deceased. He would submit that there is no previous case as against the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and also 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 Judicial Magistrate No-I, Tindivanam, Villupuram District, 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 Krishnagiri and report before the Krishnagiri Town Police Station everyday at 10.30 a.m and 5.30.p.m 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/-

10/11/2020

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 JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ROSHANAI POLICE STATION,
VILLUPURAM DISTRICT,

5 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM.

6 THE OFFICER INCHARGE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

CC to M/S. N.SUDHARSAN Advocate on payment of necessary charges

CRL OP.17293/2020

Date :10/11/2020

RVR 11/11/2020

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