

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17538 of 2020

1.Suresh @ Seenu
2.Mani @ Manikandan

... Petitioners

Vs.

State Rep by:-

The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai-600083
(Crime No.1237 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.1237 of 2020 on the file of the Inspector of Police, R-6 Kumaran Nagar Police Station, Chennai.

For Petitioner : Mr.S.Ilavarasan

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 19.08.2020 for the offences punishable under Sections 341, 294(b), 324, 506(ii), 302 of IPC in Crime No.1237 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Indira is that her son-in-law Dinesh and one Ganesan became friends when they were in jail. Thereafter, the said Dinesh developed illicit intimacy with the wife of the said Ganesan and eloped with her. Due to which, the said Ganesan/A1 along with other accused committed the murder of the husband of the defacto complainant to take revenge on her son-in-law.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since, they happen to be the friends of A1. He would further submit that A1 has been detained under Act 14. Even as per the F.I.R., the defacto complainant is only hearsay to the occurrence and that the petitioners have been suffering incarceration for more than 80 days from 19.08.2020. Hence, he prays for grant of

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners are the associates of one Ganesan. One Dinesh, the son-in-law of the defacto complainant had developed illicit intimacy with the wife of the said Ganesan and eloped with her. Thereby, in order to wreck vengeance, the said Ganesan/Al along with other accused committed the murder of the husband of the defacto complainant who is the father-in-law of the said Dinesh. He would further submit that the final report has been filed and the same has been taken on file in P.R.C. No.50 of 2020 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

5. Heard the learned counsel on both sides. Perused the F.I.R.

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that the investigation has been completed and the final report has been filed in P.R.C.No.50 of 2020 and also considering the the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the XXIII Metropolitan Magistrate Court, Saidapet, 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 petitioners on their release from prison, shall appear before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, everyday at 10.30 a.m. 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 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/-

11/11/2020

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 XXIII METROPOLITAN MAGISTRATE
COURT, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR POLICE STATION,
CHENNAI-600 083

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.17538/2020

सत्यमेव जयते Date :11/11/2020

RVR 18/11/2020

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