

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 18328 of 2020

**(*)Thangavel
S/O Raju**

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Sankari Police Station,
Sankari,
Salem District.
(Crime No.518/2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.518 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Arun

For Respondent in : Mr.T.Shunmugarajeswaran
CRL OP.18328/2020 Government Advocate (Crl. Side)

For Respondent in : Mr.C.Iyyapparaj
CRL MP.8876/2020 Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.11.2020 for the offences punishable under Section 302 of IPC in Crime No. 518 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the deceased Parthiban developed illicit intimacy with the wife of the 1st accused, so dispute arose between them and hence A1 shifted his residence to another place. While so, on 04.09.2020 at about 9.45 p.m. the said Parthiban went to the 1st Accused house and called his wife, at that time, the petitioner and other accused chased the said Parthiban. When the said Parthiban was standing near ASR Petrol Bunk compound situated near Pallipalyam Pirivu Road and the petitioner and other accused attacked the said Parthiban with knife and caused his death. Hence this complaint.

3. The learned counsel appearing for the petitioner would submit that the the petitioner is innocent and he has been falsely implicated in this case. He would further submit that even as per the prosecution, the deceased Parthiban developed illicit intimacy with the daughter of the petitioner and that when it was objected by the villagers, some one else from the village would have committed the murder and falsely implicated the petitioner in this case.

4.The learned Government Advocate (Cr1.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with his son in law (A1) and son (A3) committed the murder of said Parthiban who had illicit intimacy with his daughter. He would further submit that investigation is pending.

5.Taking into consideration the facts and submissions made by the learned counsel and also considering 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 Judicial Magistrate Court No.I at Sankari, Salem 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. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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/-
20/11/2020

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.

(*)Amended as per order of this court dated 05/01/2021 made in CRL MP.8876/2020 in CRL OP.18328/2020

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SANKARI, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SANKARI, SALEM DISTRICT.

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

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

CRL OP.18328/2020

Date :20/11/2020

MN-23/11/2020
MN-07/01/2021