

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18508 of 2020

Ramesh

... Petitioner

Vs.

The State Represented by
The Inspector of Police
R-3, Ashok Nagar Police Station
Chennai
(Crime No.683 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.683 of 2020, pending on the file of the respondent police.

For Petitioners: Mr.S.Sathish Rajan

For Respondent : Mr.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 07.09.2020, for the offences punishable under Section **174 Cr.P.C. which has been subsequently altered under Section 302 IPC**, in Crime No.683 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the deceased along with his friends viz. Victor and the petitioner herein was consuming alcohol in the house of the Victor during the night hours, and there was a quarrel between them with regard to the cell phone, due to which, the petitioner had strangled neck of the the deceased and committed the murder. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner after consuming the alcohol had left the house of the

Victor and only on the next day he came to know about the death of his friend. He would further submit that the petitioner was arrested on 07.09.2020 and he is in judicial custody for more than 70 days.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the deceased are friends and on the date of occurrence at night hours, when the family members of the said Victor was inside, the petitioner along with his friends Victor and the deceased was consuming alcohol and picked up a quarrel with them, due to which, the petitioner had strangled the deceased and committed the murder. The further allegation is that the said Victor had found the dead body of the victim, and hence a complaint was lodged before the respondent and it was informed to his wife. He would further submit that initially a case was registered for the offence under Section 174 Cr.P.C. for the suspicious death and after the investigation, it was later altered to 302 IPC. He would further submit that the investigation has been completed and the final report has been filed and taken on record in P.R.C.No.57 of 2020 before the learned XVII Metropolitan Magistrate, Saidapet, Chennai. He would further submit that there is no previous case against this petitioner.

5. Heard both sides and perused the material placed on record.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioners, 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 likesum to the satisfaction of the learned XVII Metropolitan Magistrate, 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 petitioner on his release from prison shall report before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on all working days at 10.30 a.m., and thereafter on the dates fixed by the learned Metropolitan Magistrate.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/11/2020

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 XVII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

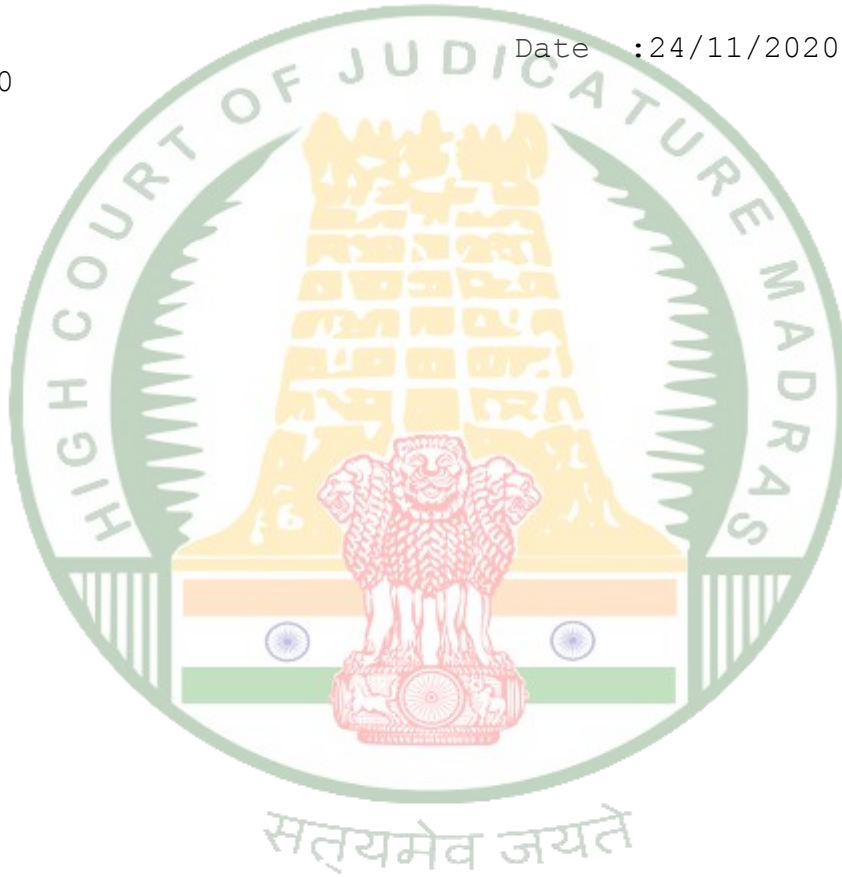
5 THE INSPECTOR OF POLICE,
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.

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

CRL OP.18508/2020

Date :24/11/2020

GKS:27/11/2020



WEB COPY