

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

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

CRL.O.P.No.19334 of 2020

Anantharaj

... Petitioner/Accused

Vs.

States rep. By:-

... Respondent

The Inspector of Police,
Kolacombai Police Station,
The Nilgiri District.
(Crime No.420 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.420 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Thilageswaran

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections **302 of IPC**, in Crime No.420 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner suspected that the deceased was having illicit intimacy with his wife, due to which, he assaulted the deceased and stamped on his stomach and dragged him. Later the victim was taken to the hospital where he succumbed to injuries.

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. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court vide Crl.O.P.No.17422 of 2020 by order dated 06.11.2020 on the ground that the petitioner was arrested recently and the investigation was pending. He would submit that even as per

the prosecution, the incident is stated to have been taken during a quarrel since, the petitioner suspected that the deceased was having illicit intimacy with his wife. He would further submit that the major part of investigation is over and that the petitioner has been suffering incarceration for more than 60 days from 05.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner suspected that the victim had illicit intimacy with his wife, due to which he assaulted the victim and stamped on his stomach and also dragged him and that the victim succumbed to injury later due to stomach pain. He would further submit that the investigation is pending.

5. Heard the learned Counsels on both sides and perused the F.I.R.

6. Taking into consideration, the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner from 05.10.2020, 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, Coonoor**, 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 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 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

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
08/12/2020

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,
COONOOR.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLACOMBAI POLICE STATION,
NILGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1 CC to M/S.K.THILAGESWARAN Advocate on payment of necessary charges SR.NO.7980

CRL OP.19334/2020

Date :08/12/2020

TA-09/12/2020

WEB COPY