

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

CrI.O.P.No. 19149 of 2020

***A.Arun,**

S/o.Arjunan.

... Petitioner/Accused

Vs.

The State represented by,

The Inspector of Police,

Ranipet Police Station,

Ranipet District.

Crime No.1221 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1221 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Thamizhannai

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

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ORDER

(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 302 of I.P.C., in Crime No. 1221 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Anjali is the mother of the deceased as well as the petitioner. She got two sons and one daughter and that the petitioner is the elder son and the deceased is the younger son. The allegation is that the deceased got illegal intimacy with the petitioner's wife and on knowing the same, on 07.09.2020 at 03.30 a.m., the petitioner had picked up a quarrel with the deceased and strangled him with rope till death. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the deceased were having dispute over the enjoyment of the property and that the deceased is an alcoholic and used to pick up quarrel very often. He would further submit that he was also hearing rumours about the relationship between the deceased and the wife of the petitioner and in respect of the same, the petitioner has been warning them continuously. Whiles, on a fateful day, the deceased had come to their house in a drunken mood, picked up quarrel later went out to the field, and laid in a unconfusion state. Thereafter he

was taken to the hospital and he died on the way, the petitioner is in no way connected with the said offence and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner as well as the deceased are the sons of the defacto complainant and that the deceased was having illicit intimacy with the wife of the petitioner and thereby, the petitioner had picked up a quarrel with the deceased and strangled him with rope till death.

5.Taking into consideration the facts and submissions made by the learned counsels and considering the fact that there is a dispute with regard the enjoyment of the property and also considering the fact that petitioner is in judicial custody from 07.09.2020, 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 District Munsif-cum-Judicial Magistrate, Ranipet 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 shall report before respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(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.

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

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*Corrected as per the order of this Court dated 09.12.2020

To

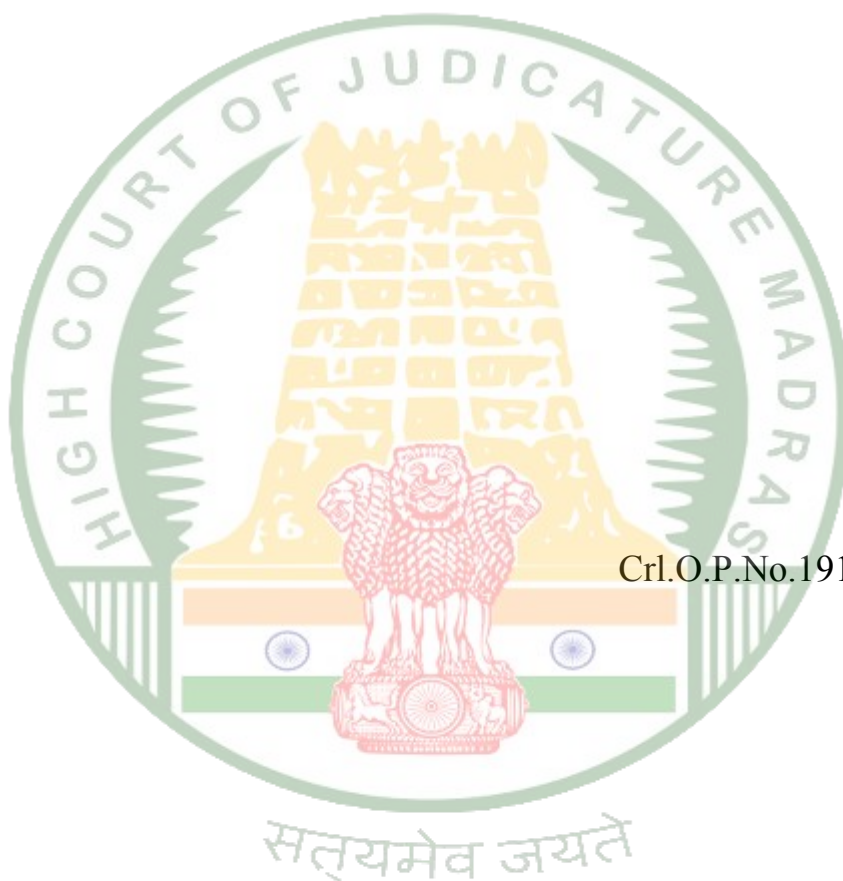
- 1.The learned District Munsif-cum-Judicial Magistrate, Ranipet.
- 2.The Inspector of Police, Ranipet Police Station, Ranipet District.
- 3.The Superintendent, Central Jail, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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Today the matter has been listed under the caption for “being mentioned” at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner submitted that in the copy of the order dated 04.12.2020 in Crl.OP.No.19149 of 2020, the petitioner name has been wrongly mentioned as A.Arjun instead of A.Arun. Hence, he prayed for necessary correction.

3.In view of the above, the name of the petitioner to be corrected as A.Arun. Hence, Registry is directed to carry out necessary correction in the order and issue fresh order copy.

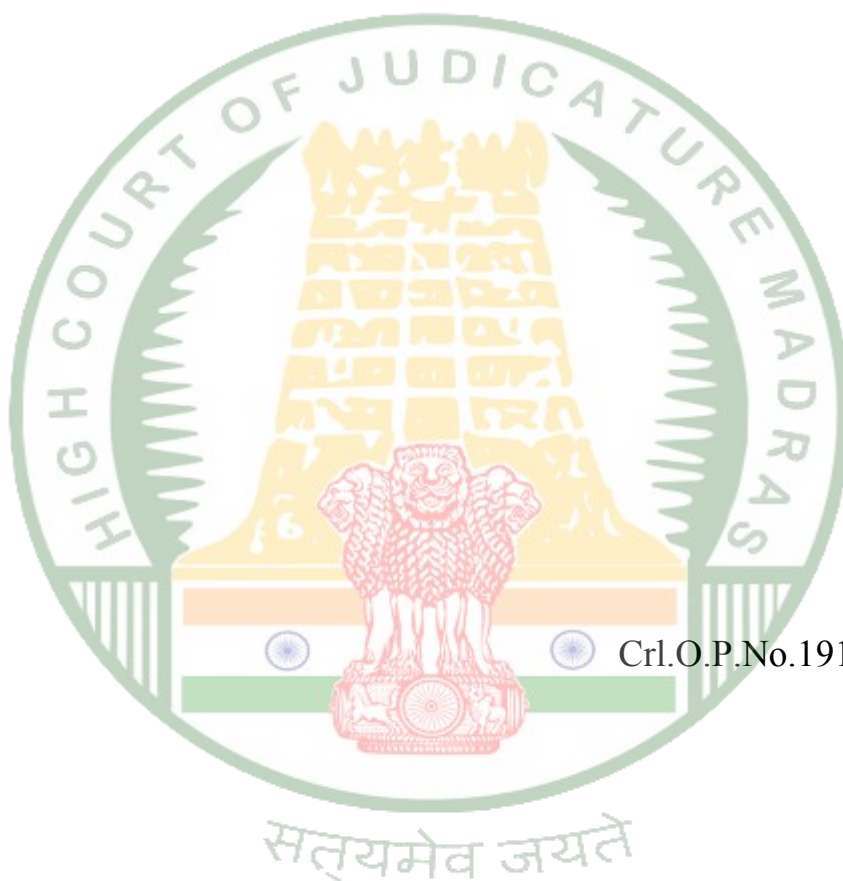
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Note: Issue order copy on 09.12.2020.

M. NIRMAL KUMAR, J.

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