

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

CORAM :

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

CRL.O.P.No.19639 of 2020

Gopi

... Petitioner

Vs.

State: Represented by

The Sub-Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri-635 001
(Crime No.815 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.815 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Ranjith Kumar

For Respondent : Mr.T.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 10.10.2020 for the offences punishable under Sections 174(3) Cr.P.C @ 306 of IPC, in Crime No.815 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Anandhan is that his son Suresh Kumar was working as a Goldsmith and that he had subscribed to a chit run by the petitioner and thereafter, he was unable to repay the amount. While so on 05.10.2020, the defacto complainant's son Suresh Kumar had come to the defacto complainant's house and later he was found dead after consuming poison. Originally, the case was registered for offence under Section 174 Cr.P.C. Later, during the course of investigation, it came to light that the victim had taken chit from the petitioner and thereafter, he was unable to repay the money. Thereby, the petitioner along with A2 and A3, took the victim to a godown and assaulted him and obtained signatures in blank bond papers. Further, they have videographed the entire incident and sent it to the wife of the deceased.

Unable to bear the torture and humiliation, the victim after recording his dying declaration in Whatsapp video, died by consuming poison.

3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.17665 of 2020 by order dated 10.11.2020. He would further submit that co-accused in this case have been granted bail by this court vide CrI.O.P.Nos.18775 and 19236 of 2020 by order dated 07.12.2020 and that the petitioner has been suffering incarceration for more than 60 days from 10.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (CrI. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is the main accused in this case. He would submit that the victim had subscribed to a chit run by the petitioner and thereafter, he was unable to repay the amount. Thereby, the petitioner along with other accused took him to a godown owned by the petitioner and assaulted him and obtained his signatures in blank bond papers. He would further submit that they have videographed the entire incident and sent it to the wife of the deceased. Due to the harassment and humiliation, the victim committed suicide after recording his dying declaration in Whasapp video. He would further submit that the investigation has been completed and the final report is yet to be filed.

6. Taking into consideration, the facts and circumstances of the case and the fact that co-accused in this case have been granted bail by this Court and the investigation has been completed and also considering the period of incarceration suffered by the petitioners from 10.10.2020, this Court is inclined to grant bail to the petitioners 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-II, Krishnagiri, 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 Villupuram and report before the Inspector of Police, 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 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 SCW 5560];

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

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

-sd/-

11/12/2020

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 NO.II,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE JAILER,
DISTRICT SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI-635 001

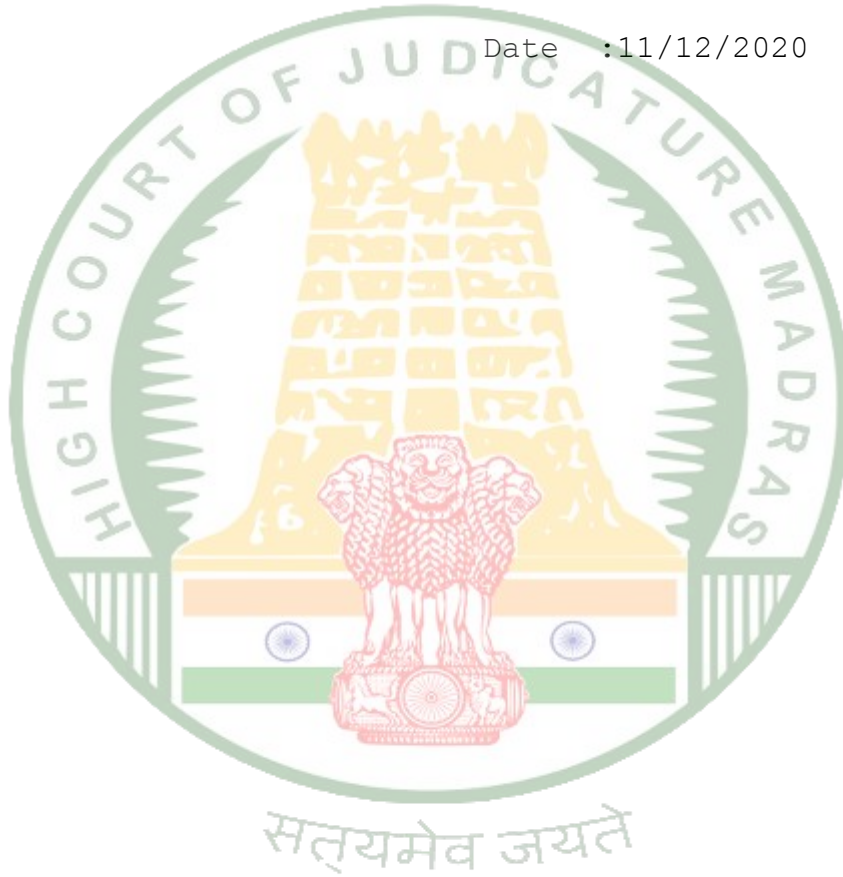
6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, VILLUPURAM.

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

CRL OP.19639/2020

Date :11/12/2020

MK:14/12/2020



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