

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.19288 of 2020

ANBU

... Petitioner/Accused

-Vs-

STATE BY

...Respondent/Complainant

The Sub Inspector of Police,
Melpadi Police Station,
Vellore District.
(Crime No.826 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of CrI.P.C, to enlarge the petitioner on bail pending investigation in Crime No.826 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

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 24.10.2020 for the offence punishable under **Sections 201 and 302 IPC** in Crime No.826 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Chitra is that her mother Vatsala who was working as a Masonry Assistant, was originally found missing. Later, she was informed that her mother was lastly found with the company of the petitioner and later her body was found in a decomposed state. During the course of investigation, the petitioner surrendered before the Village Administrative Officer and confessed about the crime.

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 submit that originally a case was given by the defacto complainant before the Vellore North Police Station alleging

that her mother was found missing based on which, a case in Crime No.2309 of 2020 was registered under Woman Missing. Thereafter, the body of the victim was recovered in a decomposed state and the petitioner was arrested and his confession was recorded while he was in police custody as if, he committed the murder of the victim. He would submit that it is a case of circumstantial evidence. Other than the alleged confession, there is no other material to implicate the petitioner in this crime. He would further submit that though the alleged victim was stated to have been found missing from 08.10.2020, her dead body was stated to have been found only on 23.10.2020 and that there is no material to show what had transpired between that time of two weeks. He would further submit that the petitioner has been suffering incarceration from 24.10.2020 and that he is prepared to abide by any stringent condition. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner had illicit intimacy with the deceased Vatsala who is a widow aged 55 years and due to some dispute, the petitioner had taken her to a secluded place and committed the murder and thereafter, thrown the body inside a den. He would further submit that the petitioner had surrendered before the Village Administrative Officer and confessed about the crime and that the investigation is pending.

5. 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, 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, Katpadi, Vellore 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 shall stay at Krishnagiri and report before the 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.

-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,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
MELPADI POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION,
KRISHNAGIRI.

CC to M/S S.P.ARTHI Advocate on payment of necessary charges

CRL OP.19288/2020

Date :08/12/2020

TA-09/12/2020