

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

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

Crl.O.P.No.19165 of 2020

1.Sankar @ Centaring Sankar
2.Gunaselvam @ Guna
3.Ravichandran @ Ravi

... Petitioners

Vs.

State rep by
The Inspector of Police,
B-3 Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.2472 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2472 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.11.2020 for the offence punishable under Section 201 & 302 of Indian Penal Code, 1860, in Crime No.2472 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant Agilakumar, Village Administrative Officer, Siruvakkam village, Kancheepuram District is that on 04.11.2020, when he was in his Official work at Siruvakkam village, one Ravichandran (A1) appeared before him and confessed that his wife Kamatchi was having illegal relationship with one Dinesh and on 17.10.2020, the said Dinesh eloped with his wife and thereafter, on 22.10.2020, the said Ravichandran (A1) had brought back his wife. While so, on 03.11.2020 the said Ravichandran(A1) along with his wife had gone to his father-in-law's house situated at opposite to L & T Company. At 10.00. hours the said Dinesh, who has already eloped with his wife, had come back again and cried to his father-in-law and at that time, there was a quarrel, during the said quarrel, the first accused assaulted him with wooden log, due to which, he sustained injuries and died on the spot. Thereafter, his father-in-law along with other accused had taken him in a Auto Rickshaw and a JCB belonging to one Gunaselvam @ Guna (A4) was taken and thereafter, they have taken the body to a place near Siruvakkam Lake and in order to screen the evidence, they

had buried the body by using JCB. Thereafter, on 04.11.2020, the said Ravichandran had surrendered before the Village Administrative Officer and confessed about the crime.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession alleged to have been given by the first accused to the Village Administrative Officer. He would submit that even as per the confession, there was a illicit intimacy between the wife of said Ravichandran (A1) and one Dinesh and that they had earlier eloped. He would submit that subsequently, the wife of the first accused was brought back to home and when they were at home, the deceased had come at night hours, created problem when the children were there and at that time, due to the quarrel arose between them, the first accused assaulted the deceased Dinesh with wooden log, due to which, he sustained injuries and died on the spot. He would submit that the allegation against the petitioners is that subsequent to the murder, they have helped the first accused in screening the evidence by burying the body. He would submit that on the next day, the first accused was surrendered before the Village Administrative Officer and confessed the same. He would submit that due to the conduct of the deceased, the family of the first petitioner has suffered grief. He would further submit that subsequently, the daughter of the first petitioner/wife of A1 also committed suicide and the first petitioner was granted interim bail on 03.12.2020 to attend the funeral of his daughter and that on 04.12.2020, he surrendered back to the Jail Authorities. Hence, he seeks bail for the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the first petitioner is the father-in-law of the first accused Ravichandran and the second and third petitioners are the friends and neighbours of the first petitioner. He would submit that the deceased Dinesh eloped with one Kamatchi/wife of the first accused/daughter of the first petitioner and thereafter, the said Kamatchi was brought back to the matrimonial home on 22.10.2020 and on 03.11.2020, the said Kamatchi had come to the house of the first petitioner along with the first accused, the deceased Dinesh had once again come to the house of the first petitioner during night hours and at that time, the first accused assaulted him with wooden log, due to which, he sustained injuries and died on the spot. He would submit that the first petitioner, who is the father-in-law of the first accused along with the neighbours and friends had taken the body to a place near Siruvakkam big Lake and buried the body. He would submit that the first accused surrendered before the Village Administrative Officer on the next day and confessed about the crime. He would submit that subsequent to the crime, the wife of the first accused/the daughter of the first petitioner had committed suicide. He would submit that the allegation against the petitioners is that the petitioners have helped the first accused in screening the evidence.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that

the petitioners have helped the first accused to screen the evidence and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Kancheepuram, 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 petitioners, on their release from prison, shall stay at Cuddalore and report before the Cuddalore Old Town Police station everyday at 10.30 a.m. until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

16/12/2020

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, CHENGALPATU.

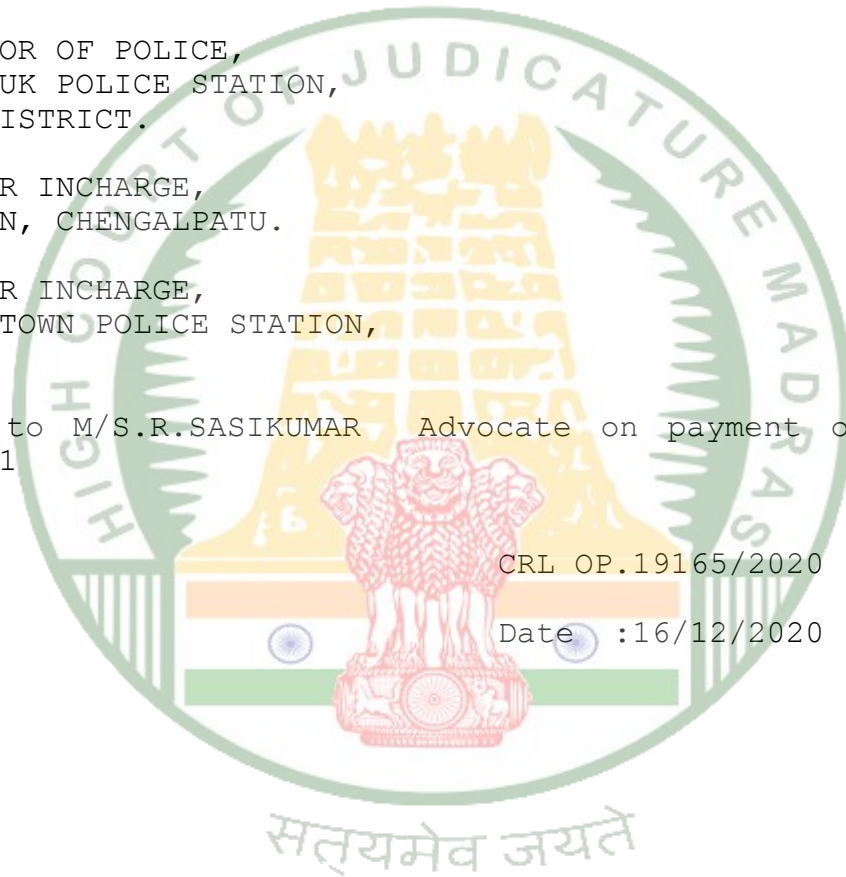
6 THE OFFICER INCHARGE,
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges Sr.8241

CRL OP.19165/2020

Date :16/12/2020

RVR 17/12/2020



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