

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20613 of 2020

Jagan @ Jagadeesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
N-4 Fishing Harbour
Market Farm,
Chennai - 600 081.
(Crime No.1278 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1278 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Sundaramurthy

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 05.10.2020 for the offences punishable under Sections 147, 148 and 302 of IPC, in Crime No.1278 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Devaraj is that his family is engaged in fishing business. The allegation is that the accused one Kamalraj and his associates were habituated to consume alcohol near the fishing boat of his son viz. Sudarmani and when it was strictly warned by the deceased, the accused got antagonized and on 05.10.2020. the accused joined together and took the deceased to a secluded place near the sea and committed the murder of his son brutally and his body was thrown into sea.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since the respondent police suspected that the petitioner is also a friend of the main accused. He would further submit that the petitioner was arrested on 07.10.2020 and he is in judicial custody for more than 80 days.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner along with the other accused, due to previous enmity in consuming alcohol near the fishing boat of the deceased, had committed the murder of the victim and threw his body into the sea.

5.Heard the learned counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners, 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 XVI Metropolitan Magistrate Court, George Town, Chennai, 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 Nagapattinam and report before the Nagapattinam Town Police Station 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 SCW 5560];

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

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
23/12/2020

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 METROPOLITAN MAGISTRATE
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
N-4 FISHING HARBOUR,
MARKET FARM, CHENNAI-600 081.

6 THE OFFICER INCHARGE
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

+1 CC to M/S M.SUNDARAMURTHY Advocate on payment of necessary charges SR.No.8260

CRL OP.20613/2020

Date :23/12/2020

cs 28/12/2020