

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19821 of 2020

Ramu @ Neelamegam

... Petitioner

Vs.

State represented by
Inspector of Police
Vanur Police Station
Villupuram District
Cr.No.1580 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1580 o 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.10.2020 for the offence punishable under Sections 147, 148 and 302 IPC, in Crime No.1580 of 2020, on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant Malathy is that she was married to one Gopal Dass 17 yeas back. Before 9 years, her husband had left her and married to one Jayanthi and was staying at her house situated at Indira Nagar. Subsequently, her husband had developed intimacy with one Kolanjiyammal and he killed her husband namely Mayavan and the said case is pending trial before the Court. While so, before five months, the said Jayanthi had gone to abroad and presently her husband was staying with the defacto complainant. While so, on 27.08.2020, in order to take revenge in respect of the murder of Mayavan, the relatives of Mayavan committed the murder of the husband of the defacto complainant by attacking him indiscriminately with lethal weapons.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession of the the other accused. He would submit that the police suspected the petitioner since he happens to be the relative of the deceased Mayavan. He would submit that the arrested accused have been enlarged on bail and the investigation has been completed and that the petitioner has been suffering incarceration from 10.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that one Mayavan was murdered by the husband of the defacto complainant and thereby, in order to take revenge, on 27.08.2020, the relatives of Mayavan committed the murder of the defacto complainant's husband by indiscriminately cutting him with Aruval. He would further submit that there are totally eight accused in this case and the petitioner is arrayed as A8 and some of the co-accused have been enlarged on bail by the lower Court. He would further submit that the respondent have completed the investigation and filed final report before the learned Judicial Magistrate, Vanur and it has not been taken on file sofar.

5. Heard the learned Counsels on either side. Perused the 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 the fact that the investigation has been completed and final report has been filed and some of the co-accused have been granted bail by the lower Court 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 Judicial Magistrate, Vanur, 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 appear before the learned Judicial Magistrate, Vanur, on all working days 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, this Criminal Original Petition is ordered.

-sd/-

14/12/2020

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,
VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VANUR POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges
SR.No.8154

CRL OP.19821/2020

Date :14/12/2020