

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.20003 of 2020

Ajithkumar

... Petitioner

Vs.

The Sub Inspector of Police,
Law and Order,
Arani Town Police Station,
Thiruvannamalai District.
(Crime No.36 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.36 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.01.2020 for the offence punishable **(*)under Section 302, 120B, 34 and 201 of IPC**, in Crime No.36 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Balu is that his brother Suresh, who was not married and was living with his mother, found dead. Based on the complaint, a case was registered and thereafter, during the course of investigation, it came to light that his brother was in love with one Krishnaveni for the past six years and thereafter, she had developed intimacy with the petitioner/A1, due to which, the accused joined together, committed murder of his brother.

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 based on the confession of the said Krishnaveni. He would submit that the petitioner was arrested on 21.01.2020 and he is in custody for more than 11 months. He would

submit that the petitioner was clamped with the detention order under Act 14 of 1982 and thereafter, the said detention order has been quashed. He would submit that it is a case of circumstantial evidence and that the respondent police have completed the investigation and filed charge sheet in PRC.No.17 of 2020 before the learned Judicial Magistrate, Arani.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner had intimacy with one Krishnaveni, who was already in love with Suresh, when it was questioned by the said Suresh, the petitioner along with Krishnaveni committed the murder of said Suresh. He would submit that the investigation has been completed, final report has also been filed and the case is pending committal in PRC.No.17 of 2020 on the file of the learned Judicial Magistrate, Arani and the case stands posted to 18.12.2020.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and that the investigation has been completed and the case is pending committal 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, Arani, 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 appear before the learned Judicial Magistrate, Arani 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

(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.

[*] Amended as per order of this Court dated 05/01/2021 made in CRL.MP.NO.8777 OF 2020. in CRL.O.P.NO.20003 OF 2020.

TO

1 THE JUDICIAL MAGISTRATE,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
LAW AND ORDER,
ARANI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.T.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.20003/2020

Date :16/12/2020

TA-17/12/2020

TA-06/01/2021