

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.20615 of 2020

1.Sridhar
2.Logu @ Logeshwaran
3.Manikandan
4.Jarife
5.Krishnamoorthy Petitioners

Vs.

State by;
Inspector of Police,
Kayar Police Station,
Kancheepuram District.
Now Chengalpattu District.
(Crime No.409 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.409 of 2020 on the file of the respondent police.

For Petitioners : Mr.Ganesh Rajan

For Respondent : Mr.T.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 02.10.2020 for the offences punishable under Sections 302 of IPC @ 147, 148, 120(B), 302 of IPC, in Crime No.409 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Vijaya is that her son was engaged in the Centering work and that he was in love with one Nithya. The further allegation is that the sister of said Nithya and her sons Gubi @ Gubendran (A1) and Sammu @ Shanmugam (A7) were against it. While so, on 01.10.2020, the said Gubi @ Gubendran (A1) informed her son that their family members have agreed for their marriage and became friendly with him. Thereafter, invited him for a birthday party, believing his words, the victim went to attend the birthday party and did not return after that, on due search, she found that her son was lying dead with multiple injuries on the body, during the course of investigation, the fact came to light that the

petitioners along with the friends of Gubi @ Gubendran (A1) had pre-planned to commit his murder, thereby, the victim was taken in the guise of attending birthday party and they have committed the murder.

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 of the main accused Gubi @ Gubendran (A1). He would further submit that the petitioners have no motive to commit the murder of the deceased and there is absolutely no materials to show that the petitioners have committed the offence. He would further submit that it is a case of circumstantial evidence.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the deceased Suresh was in love with one Nithya, which was objected by Gubi @ Gubendran (A1). While so, on 01.10.2020, the said Gubi @ Gubendran (A1) in the guise of inviting the deceased to the birthday party informed him that his family members have agreed for their marriage, taken him to the secluded place and assaulted him with deadly weapons, due to which, he succumbed to injuries. He would further submit that the petitioners are the friends of the said Gubi @ Gubendran (A1) and they were arrested on 02.10.2020.

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 and it is a case of circumstantial evidence, 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) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Chenglpattu, 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 Virudhachalam and report before the Virudhachalam 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.

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 JUDICIAL MAGISTRATE NO.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
KANCHEEPURAM NOW CHENGALPATTU.

6 THE OFFICER INCHARGE,
VIRUDHACHALAM TOWN POLICE STATION,
VIRUDHACHALAM.

+1CC to M/S GANESH RAJAN Advocate on payment of necessary charges SR NO.8661

CRL OP.20615/2020

Date :23/12/2020

MK:28/12/2020



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