

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.20383 of 2020

SARAVANAN

... Petitioner

Vs.

State Rep. by Sub Inspector of Police,
Vellore South (L&O) Police Station,
Vellore District.
(Crime No.1744 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.1744 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 08.10.2020 for the offence punishable under Section 294(b), 307 of IPC subsequently it was altered into one under Section 302 of IPC, in Crime No.1744 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Karthikeyan is that his co-brother's son Gopi developed intimacy with one Ramani, wife of the petitioner and eloped with her and there was existing enmity between them. While so on 05.10.2020, the said Gopi had come to attend a funeral and at that time, a quarrel arose between the petitioner and the deceased Gopi with regard to the elopement of his wife, due to which, the petitioner assaulted the said Gopi with knife indiscriminately and thereby, he sustained injuries and thereafter, he was taken to the hospital. Based on the complaint, originally the case was registered for the offence under Sections 294(b) and 307 of IPC, during the treatment, the victim succumbed to the injuries on 08.10.2020 and thereby, the case was altered into one under Section 302 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that even as per the alleged occurrence, the victim is stated to have eloped with the wife of the petitioner and that there was a quarrel and the occurrence had happened during the said quarrel. He would submit that the petitioner was arrested on 08.10.2020 and he is in custody for more than 75 days and that the major part of the investigation is over. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the victim had eloped with the wife of the petitioner 4 years back and thereby, there was existing enmity between them. While so, on 05.10.2020, the victim had come to attend the funeral and at that time, on seeing the victim, the petitioner got enraged and started to quarrel with him and during the quarrel, the petitioner assaulted the victim with knife, due to which, the victim sustained injuries and thereafter, he was taken to the hospital and subsequently, he died on 08.10.2020. He would submit that the investigation has been completed, the charge sheet was filed and the case has been taken up in PRC.No.57 of 2020 and the same is pending committal on the file of the learned Judicial Magistrate-I, Vellore.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels 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-I, Vellore, 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 the prison, shall appear before the learned Judicial Magistrate-I, Vellore 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.

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

-sd/-
21/12/2020

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, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE
VELLORE SOUTH (L& O) POLICE STATION,
VELLORE DISTRICT.

CC to Mr.E.Kannadasan Advocate on payment of necessary charges

CRL OP.20383/2020

Date :21/12/2020