

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.20644 of 2020

ISSAC SANTHOSHAM

... Petitioner

Vs.

State by the Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.
(Crime No.105 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.105 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Rebecca

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 07.05.2020 for the offences punishable under Sections 294(b) and 302 of IPC, in Crime No.105 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Jaison is that his mother in law is a pensioner and his brother in law frequently fought and quarrelled with his mother in law by demanding 50% of the pension amount received by her. While so, on 11.02.2020, the accused had come to his house and started to quarrel with his mother in law, at that time, the defacto complainant's wife intervened and asked her brother not to fight with his mother, due to which, he got antagonized and taken the knife from the kitchen and stabbed her indiscriminately, thereby, his wife sustained injuries and thereafter, she was taken to the hospital and succumbed to injuries while under treatment.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the brother of the deceased and that the said incident stated to have happened during the quarrel between the petitioner and his sister, the petitioner on sudden provocation, had taken the knife from the kitchen and had committed the offence. He would further submit that the final report in this case has been filed and taken in S.C.No.101 of 2020, on the file of the learned Additional District Judge, Arni. He would further submit that the petitioner was earlier detained under Act 14 and the same was quashed by this Court in H.C.P.No.1136 of 2020 dated 15.12.2020.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner during the quarrel had stabbed his own sister, due to which, she sustained injuries and died while taking treatment. He would further submit that the investigation has been completed and the petitioner was earlier detained and the detention order was set aside by this Court.

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 taking into consideration 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, Arni, 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 report before the learned Additional District Judge, Arni, Thiruvannamalai, 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, this Criminal Original Petition is 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,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT JUDGE,
ARNI, TIRUVANNAMALAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.M.REBECCA Advocate on payment of necessary charges
SR.No.8618

CRL OP.20644/2020

Date :23/12/2020