

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2105 of 2021

R. Vijayakumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai - 600 078
(Crime No. 1149 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.1149 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S. Illamvaludhi

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 16.11.2020 for the offence punishable under Section 302 IPC in Crime No.1149 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that both the petitioners and the deceased are Srilankan refugees, the deceased is said to have had illicit intimacy with the wife of the petitioner, who was residing in a Refugee Camp, Aruppukottai, and due to the same, already there was a dispute between the petitioner and the deceased, and a criminal complaint was also registered against them. Due to that enmity, on 15.11.2020, the petitioner is said to have attacked the deceased with dangerous weapon and committed murder of the deceased. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. It is a case of circumstantial evidence and there is no eyewitness to the occurrence. Since there was dispute between the petitioner and the deceased, he has been falsely implicated this case. Now, investigation in this case is over and final report has also been filed and the matter is now pending for committal. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner attacked the deceased with dangerous weapon and committed murder and number of eyewitnesses are there. Now, investigation is completed and final report has also been filed and the matter is pending for committal. If the petitioner is released on bail, he may abscond. She would further submit that in the event of release, he may be directed to stay at Srilankan Refugee Camp at Trichy.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. On perusal of records, it could be seen that the deceased is said to have illicit intimacy with the wife of the petitioner. Due to the same, there was enmity between them and earlier a criminal complaint was also filed against them. Due to the same, the petitioner is said to have attacked the deceased with dangerous weapon and caused his death.

7. Considering the said facts and circumstances of the case and the fact that investigation is completed and final report has also been filed and the matter is pending for 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, Saidapet, 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 is directed to stay at Srilankan Refugee Camp at Trichy and report before the out-post police station daily 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.

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

-sd/-

16/02/2021

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,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
R-10, MGR NAGAR POLICE STATION, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE INSPECTOR OF POLICE,
SRILANKAN REFUGEE CAMP, OUTPOST POLICE
STATION, TRICHY

CC to M/S S.ILLAMVALUDHI Advocate on payment of necessary
charges Sr.1691

CRL OP.2105/2021

Date :16/02/2021

RVR 16/02/2021