

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2845 of 2021

Arulmurugan @ Murugan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Selaiyur Police Station,
Tambaram.
(Crime No.1221 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.1221 of 2020 on the file of respondent police.

For Petitioner : Mr.T. Vijayaragavan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.12.2020 for the offence punishable under Sections 294(b), 323, 506(i) of I.P.C. altered into Sec. 302 of I.P.C. in Crime No.1221 of 2020, seeks bail.

2. Totally, there are four accused and the petitioner is arrayed as A3. The case of the prosecution is that the deceased was working as a Tea master in a tea shop and there was a frequent quarrel between the petitioner and the deceased. On 30.11.2020, there was a wordy quarrel between them in the TASMAL shop and at that time, the petitioner said to have attacked the deceased, thereby caused serious injury to him and escaped from the scene of occurrence. Immediately, the defacto complainant's wife, on information, took the deceased to the hospital, wherein he died on the next day. Hence, the present complaint has been registered.

3. The learned counsel appearing for petitioner would submit that the name of the petitioner was not found in the First Information Report, and only on suspicion, his name was implicated in this case. That apart, the investigation is almost completed and the petitioner is in jail for more than two months. He is an innocent person and he is no way connected with the occurrence. He would further submit that co-accused in this case has already been released on bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier, the deceased said to have abused the petitioner, in retaliation, the petitioner along with other accused said to have attacked him in a TASMAC shop and left the scene of occurrence, thereafter, he died on the next day. She would submit that the occurrence was not taken place unexpectedly and it is a well planned murder. She would also submit that now the final report has been filed and the matter is pending for committal proceedings. She would further submit that co-accused in this case has already been released on bail. However, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that investigation is completed, final report has been filed and now, the matter is pending for committal and also the fact that co-accused in this case has already been released on bail 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 No.I, Tambaram 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 Trial Court at 10.30 a.m. on all working days without fail 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/-
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 NO.I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
TAMBARAM.

+1CC to M/S.T.VIJAYARAGAVAN Advocate on payment of necessary charges SR NO.1710

CRL OP.2845/2021

Date :16/02/2021