

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5450 of 2021

1. Gokila
2. Balan

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Alangayam Police Station,
Vellore District.
(Crime No.7 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.7 of 2021 on the file of the respondent police.

For Petitioner : Mr. R. Ramesh

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 17.01.2021 for the offence punishable under Sections 302 and 201 of IPC in Crime No.7 of 2021, seek bail.

2. Totally, there are 3 accused and the petitioners are A1 and A3. The case of the prosecution is that first petitioner/A1, in this case was having illicit intimacy with the deceased. This petitioner is also having intimacy with A1. The deceased was working at Coimbatore. He came to his native village for pongal festival. At that time, quarrel arose between the deceased and first petitioner/A1, in which, A1 said to have put a stone on the head of the deceased and caused his death. Thereafter, she called A2 and planned to dispose the body and the second petitioner along with A1 and A2 taken the dead body of the deceased and threw it into a well. On the next day, the body was found floating and based on the complaint given by the Village Administrative Officer, initially a crime was registered under Section 174 Cr.P.C. and after investigation, altered into 302 & 201 of IPC,

the petitioners were arrested on 18.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioners would submit that since deceased, who is the paramour of the first petitioner/A1, tried to misbehave with the minor daughter of the first petitioner, she thrown a stone on the head of the deceased, he fell down and died. Thereafter, she called the second petitioner, who is the father of the first petitioner and dispose the body. Only with an intention to safe guard her minor daughter, on a sudden provocation, she thrown a stone on the deceased and she has no intention to murder the deceased. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased is the paramour of A1, and there was dispute between them. Due to the same, A1 thrown a stone on the head of the deceased and committed murder and thereafter, these petitioners along with A2 have disposed the dead body of the deceased. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case, and 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 petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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-3, Tirupattur, 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 shall report before the respondent police daily 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.

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

-sd/-
19/03/2021

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.3,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUPATTUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
VELLORE DISTRICT

+1CC to M/S.R.RAMESH Advocate on payment of necessary
charges SR NO.3684

CRL OP.5450/2021

Date :19/03/2021