

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6033 of 2021

Krishnan

... Petitioner

Vs.

State Rep. by  
Inspector of Police,  
Keelaiyur Police Station,  
Nagapattinam District.  
(Crime No.70 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.70 of 2021 on the file of the respondent police.

For Petitioner : Mr. S.V.D.Rajendra Prasad

For Respondent : Mrs. M. Prabhavathi,  
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 30.01.2021 for the offence punishable under Section 302 of IPC in Crime No.70 of 2021, seeks bail.

2. Totally, there are 4 accused and the petitioner is arrayed as A4. The case of the prosecution is that the deceased, one Ilayaraja is the brother of one Veerasekaran, and he was married to A1's sister. Due to some matrimonial dispute, they are living separately. In view of the same, there was dispute between A1 and the deceased and there was frequent quarrel between them. In the said circumstances, A1 with the help of A2 and A3 attacked the deceased Illaiyaraja with Aruval and caused his death. Thereafter, they approached this petitioner/A4, who belongs to the same village and this petitioner helped them and also gave money for them to escape from the village. Hence, the complaint came to be registered and the petitioner has been arrested on 30.01.2021.

3. The learned counsel appearing for the petitioner would submit that the motive is only against A1 and main overtact has been attributed only against A1 to A3. The only allegation as against this petitioner is that he had helped all the accused to escape from the village. He is in jail for more than two months. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this petitioner has monetarily helped the other accused to escape from the scene of occurrence. Now, investigation is still pending. Hence, she vehemently opposed to grant bail to the petitioner.

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

6. From the perusal of the records, it could be seen that only the deceased and A1 have some personal enmity. Due to the same, A1 to A3 attacked the deceased and caused his death. After the occurrence, all the accused approached this petitioner and he financially helped them enabling them to escape from the scene of occurrence. Now, he is arrested and in jail for more than 2 months.

7. Considering the facts and circumstances of the case and also taking note of 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-II, Nagapattinam, 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 shall report before the respondent police, 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/-  
30/03/2021

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.II,  
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,  
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
KEELAIYUR POLICE STATION,  
NAGAPATTINAM DISTRICT.

+1CC to M/S.S.V.D.RAJENDRA PRASAD Advocate on payment of  
necessary charges SR NO.4239

CRL OP.6033/2021

Date :30/03/2021