

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8531 of 2021

1. Saran @ Munusami ... Petitioners
2. Ashok

Vs.

State Rep. by
The Inspector of Police,
Kottaikuppam Police Station,
Villupuram District.
(Crime No.41 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.41 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.G.Mohana Krishnan

For Respondent : Mr.Charles Premkumar,
Government Advocate

ORDER

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2. The petitioners are in custody from 06.03.2021 for an offence under Section 302 of IPC.

3. The case of the prosecution is that the petitioners are having illicit intimacy with A3 who is none other than the wife of the deceased. The occurrence had taken place on 02.03.2021.

4. The case of the prosecution is that the petitioners have joined together with A3 and done away with the deceased.

5. It appears that the investigation is substantially completed. The petitioners are not having any previous case. Therefore, I am of the view that continuous incarceration will not serve any purpose. Therefore, I am inclined to grant bail to the petitioners subject to the following conditions:

(a) 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 District Munsif-cum-Judicial Magistrate, Vanur, 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 every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation ;

(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 abscond, a fresh FIR can be registered under Section 229A IPC; and

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

सत्यमेव जयते

-sd/-

05/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTAIKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

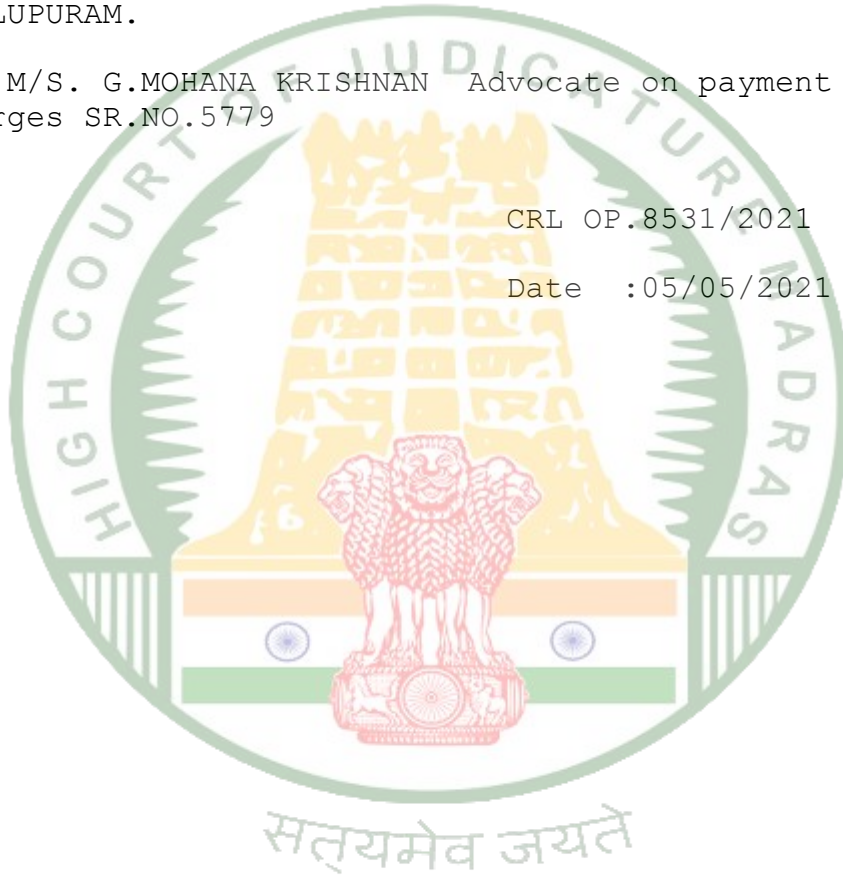
5 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

+1 CC to M/S. G.MOHANA KRISHNAN Advocate on payment of
necessary charges SR.NO.5779

CRL OP.8531/2021

Date :05/05/2021

TA-06/05/2021



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