

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9256 of 2021

Mohanraj

... Petitioner

Vs.

State rep by

The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.

(Crime No.178 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.178 of 2021 on the file of the Respondent.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.E.Raj thilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 18.04.2021 and remanded to judicial custody for the offences under Section 174 Cr.P.C. (poisoning) altered into Sec 306 IPC, in Cr.No.178 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.04.2021, at 07.30 p.m., daughter of the defacto complainant vommitted. When the defacto complainant questioned her daughter, she revealed the love affair with the petitioner and further submitted that she consumed poison two days ago. Immediately, she was taken to G.H, Valapady, but died at 09.00 p.m. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 18.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and there is no previous case

against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the investigation is almost completed and the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Salem, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Rasipuram, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Rasipuram.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/06/2021

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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
Sr.6329

CRL OP.9256/2021

Date : 01/06/2021

RVR 01/06/2021