



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12283 of 2021

WEB COPY

Sathish Kumar

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri district.
Crime No.206 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 connection with the case in Cr.No.206 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 15.06.2021 and remanded to judicial custody for the offence under Section 302 of IPC in Cr.No.206 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A8 in this case. The deceased had three wives. The 3rd wife had illegal intimacy with A1. When the deceased questioned the act of the 3rd wife, the petitioner along with other accused persons including the 3rd wife conspired together and attacked the deceased with wooden log on his head and all over the body. As a result, he died on the spot. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and his name does not found in the FIR and however, he has been falsely implicated in this case based on the confession of the co-accused and the petitioner has been in jail from 15.06.2021. Co-accused has been already arrested and released on bail by this Court in Crl.OP.No.11817 of 2021 dated 09.07.2021.

Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the defacto complainant is the Son of the first wife of the deceased. The deceased had three wives and he is currently living with his 3rd wife. She had an illegal intimacy with A1. When the same was questioned by the deceased and on instigation of his wife/A6, A1 along with other accused including this petitioner had brutally murdered her husband and there is no previous case pending against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation has also been completed and co-accused has already been enlarged on bail, 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) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Krishnagiri District;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



(h) 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;

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

-sd/-
16/07/2021

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,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.12283/2021

Date :16/07/2021

MK:19/07/2021