



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25820 of 2021

MUGESH

...Petitioner

Vs.

STATE; rep. by
The Inspector of Police,
THEVOOR Police Station,
SALEM District.
(Crime No.190 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.190 of 2021 on the file of the Inspector of Police, THEVOOR Police Station, SALEM District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

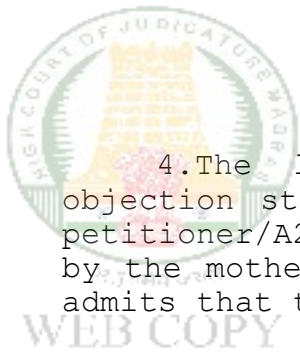
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.10.2021 for the offence under Section 302 IPC, in Crime No.190 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.10.2021 at about 2.00 a.m., the de facto complainant was informed by her relative that her son Dhayanandhan was found dead with head injuries and the de facto complainant came to know that due to illicit intimacy between her daughter-in-law and the petitioner, the son of the defacto complainant was done to death by the petitioner and the wife of the deceased. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and that he has been falsely implicated in this case. He would further submit that only on suspicion the petitioner has been arrested and he has been suffering incarceration for more than 80 days from 12.10.2021 and that the petitioner is ready to abide any stringent condition imposed by this court. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that A1 is the wife of the deceased and that the petitioner/A2 is the paramour of A1 and as per the complaint lodged by the mother of the deceased, the petitioner has been arrested but admits that the investigation is almost completed.

5. On seeing the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Sankagiri, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall stay at Thiruvannamalai and report before the Town Police Station daily at 10.30. a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) 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];



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

WEB COPY

-sd/-

03/01/2022

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.I, SANKAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE
THEVOOR POLICE STATION,
SALEM DISTRICT.

6 THE INSPECTOR OF POLICE/
STATION HOUSE OFFICER,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
Sr.23

CRL OP.25820/2021

Date :03/01/2022

RVR 04/01/2022