

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18 .05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No. 7632 of 2020

S.Shankar

... Petitioner

Vs.

State Rep. by
Inspector of Police,
G-7, Acharapakkam Police Station,
Chengalpet District.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.40 of 2020 on the file of the respondent police.

For Petitioner : Mr. S.Thamil Prabhu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner was arrested and remanded to judicial custody on 16.03.2020 for the offence punishable originally under Sections 294 (b) and 334 I.P.C and thereafter it was altered to Sections 294 (b) and 304(2) IPC and finally, the accused was charged under Section 302 IPC in Crime No.40 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased one Mr.Selvaraj is the father of the accused. The deceased Selvaraj was a drunkard and he was in the habit of picking up quarrel everyday, beating the family members on consuming liquor. On 23.01.2020, at about 9.15 p.m., the deceased Selvaraj picked up quarrel with wife of the accused Mr.Gowthami (daughter-in-law). The accused warned the deceased Selvaraj not to use in filthy language and asked deceased to get inside the house. But the deceased Selvaraj continued to scold in filthy language, unable to further withstand, on sudden provocation, the accused pulled the deceased Selvaraj inside the house and because of his mishandling, the deceased Selvaraj hit against the wall and sustained injuries on the head. Thereafter, the deceased Selvaraj was taken to Government Hospital, Chengalpet and for further treatment, he was sent to Rajiv Gandhi Government General Hospital, where Selvaraj died. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above offence and he is no way connected with the offence as alleged by the prosecution. The learned counsel would further submit that the deceased Selvaraj was in the habit of picking up quarrel everyday and causing mental agony to the family members. Only due to sudden provocation, the accused pulled the deceased Selvaraj, which resulted in the death of Selvaraj. Further he submits that the petitioner is in judicial custody from 16.03.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the deceased was a drunkard and he was in the habit of picking up quarrel everyday. On 23.01.2020, the deceased Selvaraj picked up quarrel with wife of the accused and used filthy language. On account of sudden provocation, the accused pulled the deceased. Because of his mishandling, the deceased sustained injuries on the head and thereafter, he died. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 16.03.2020 and the petitioner's act was not of pervious motivation and the major part of the investigation is over, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed.

(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 report before the respondent police as and when required for interrogation.

(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 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.

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

-sd/-

18/05/2020

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 LEARNED PRINCIPAL DISTRICT
AND SESSIONS JUDGE, CHENGALPET

2 THE JUDICIAL MAGISTRATE,
MADHURANTHAGAM, CHENGALPET

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
G-7, ACHIRUPAKKAM POLICE STATION,
CHENGALPET DISTRICT

5 THE OFFICER INCHARGE,
CHENGALPET PRISON, CHENGALPET.

CC to M/S S.THAMIL PRABHU Advocate on payment of necessary charges

CRL OP.7632/2020

Date :18/05/2020

RVR 24/08/2020