

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8634 of 2020

Deraugula Durgarao

... Petitioner

/Vs/

State rep by
The Inspector of Police,
Thiruporur Police Station,
Chengalpattu.
(Crime No.335 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioner on bail pending investigation in Crime No.335 of 2019 on the file of the Respondent Police.

For Petitioner : Mr.E.Raj Thilak

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 20.02.2020 for the offence punishable under Section 302 of IPC in Crime

No.335 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.10.2019 at about 5.00 p.m., an information of Village Assistant, the Village Administrative Officer (incharge) of Thiruporur Village visited the house situated at Girivalapathai, M.G.R. Nagar, Thiruporur Village and found a decomposed body from the house of one Venkatesan and lodged a complaint and it was registered under Section 174 of Cr.P.C later it was altered into Section 302 of IPC. Thereafter from the House Owner, it was known that the occupants (2 persons) of the house were from Andhra Pradesh and they were taken the house for rent and living together. Without informing the house owner, the house was kept under lock. Thereafter, the case has been registered.

3. The contention of the petitioner is that the petitioner is a coolie working in a construction company. He along with another person from Andhra Pradesh were living there. Thereafter the petitioner had some fight with the co-occupant since he made some sarcastic comment against the wife of the petitioner. In a fit of a rage he had assaulted him

and thereafter let the house and gone to his native. Thereafter, he came to know that the respondents were in search of the petitioner. Hence, the petitioner had voluntarily surrendered before the learned VI Metropolitan Magistrate's Court, Egmore on 26.02.2020.

4. The learned Additional Public Prosecutor submitted that the First Information Report in this case came to be registered on the complaint given by the Village Administrative Officer on 29.10.2019. A house situated at Girivalapathai, M.G.R. Nagar, Thiruporur, some bad smell emulating, information was given by the neighbour. Thereafter he lodged the complaint and open the house with the police and found that a decomposed body was lying on the floor and the said house was owned by one Venkatesan and no injury was found in the body. The body was surrounded with some liquor bottles nearby and thereafter the petitioner surrendered before the learned VI Metropolitan Magistrate's Court, Egmore on 26.02.2020. The investigation further revealed that the petitioner and the deceased person were residing in the said address on one such, they were consuming liquor, the deceased passed some comments against the petitioner's wife for which the petitioner had push

the deceased down due to which the deceased had sustained injuries on his head and died.

5. Considering the said submission and the period of incarceration and the investigation in this case is almost completed and awaiting the forensic report. In view of the same 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, in which the petitioners have been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 report before the respondent police as and when required for interrogation.

(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 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]***;

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

M.NIRMAL KUMAR,J.

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

15.06.2020

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To

1. The learned Judicial Magistrate-I,
Chengalpet.
2. The Superintendent,
Central Prison,
Puzhal, Chennai.
3. The Inspector of Police,
Thiruporur Police Station,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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