



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO. 8883 of 2020

1. Annadurai Raj
2. Viswanathan ... Petitioners/A1 &A2

Vs.

The State of Tamilnadu,
rep by the Inspector of Police,
Pollachi Town Police Station,
Coimbatore District. ... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.1085 of 2020 on the file of the respondent police.

For Petitioners : Mr.Deepan Uday

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

O R D E R

The Petitioners who were arrested and remanded to judicial custody on 08.05.2020 for the offences punishable under Sections 323, 324 and 307 IPC @ Sec.302 IPC, in Crime No.1085 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Gowtham and the daughter of the first petitioner were in love with each other. The mother of the deceased has lodged a complaint stating that her son Gowtham's friend Vishnu Sriram had informed about her son being brutally beaten by the petitioners. The deceased had gone to the house of the petitioner/A1 and the deceased was talking with the petitioner's daughter in the bed room at about 7.00 pm, the first petitioner on seeing both of them together, got infuriated. The girls' father and another relative of the girl had beaten the deceased black and blue with hands, belt and cricket bat. Thereafter the deceased left the first petitioner's house at about 10 pm and reached his friend Sakthivel's house. The deceased complained about unbearable pain and thereafter the said Sakthivel had informed his other friend on seeing the condition of the victim. Thereafter they had taken the deceased to Pollachi Government Hospital. Then, for further treatment, he was taken to Coimbatore Government Hospital. Hence the case come



3.The learned counsel for the petitioners has submitted that the deceased Gowtham has entered into the house of the first petitioner and was talking to his daughter in the bed room in close quarters. The deceased was earlier warned by the petitioner not to disturb his daughter. Despite the same, he had entered into the bed room and talking to his daughter in close quarters. On seeing the same, he got infuriated and he and his relative had beaten Gowtham and thereafter the said boy had left the house of the first petitioner and what had happened thereafter is not known to the petitioners.

4.The learned Additional Public Prosecutor has submitted that totally there are three accused in this case. The first accused is the father of the girl. The second and third accused are his relatives. The third accused, a Juvenile on seeing the deceased with the first petitioner's daughter in the bed room in close quarters, the first petitioner got infuriated and beaten the deceased with hands, stick and cricket bat and thereafter he warned him and sent out. After some time, the deceased unable to bear the pain, had informed his friends. Thereafter, they had taken the deceased to Pollachi Government Hospital. From there, he was referred to Coimbatore Government Hospital, where he succumbed to the injuries. The occurrence has taken place on 07.05.2020. The deceased died on 10.05.2020. Hence he opposed to grant bail.

5.Considering the facts and circumstances of this case and submissions on either side and also consider the period of incarceration of the petitioners and in the sudden provocation the petitioners had beaten the boy, this Court is inclined to grant bail to the Petitioners, subject to the following conditions:-

(a) the Petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison.

(b) the petitioners 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 Petitioners shall report before the Respondent Police as and when required for interrogation.

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



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

(g) the Petitioners 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]; and

(i) 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/-
18/06/2020

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 JUDICIAL MAGISTRATE NO.I,
POLLACHI, COIMBATORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI TOWN POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.8883/2020

Date :18/06/2020