

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9438 of 2020

Veeramani

... Petitioner

-vs-

State by:-

The Inspector of Police,  
Mathur police station,  
Krishnagiri District  
(Cr.no.619 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No. 619 of 2020, on the file of the respondent police.

For Petitioner : Mr. P.M.Duraiswamy

For Respondent : Mr. K. Prabakar  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.05.2020 in Cr.No.619 of 2020 registered by the respondent police for the offences punishable under Sections 294(b), 341, 323, 324 and 506 (ii) of I.P.C., and subsequently altered under Section 341, 342 and 302 IPC, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that on 08.05.2020 at about 8.00 P.M., while the petitioner and one Shankar were fighting with each other, the deceased intervened to separate them during which time the petitioner kicked the deceased on his stomach and also hit him by the stone on his stomach, due to which the deceased sustained grievous injuries. Thereafter, he was taken to the hospital and died after three days.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no intention for the petitioner to commit murder of the deceased and due to sudden fight and provocation, he attacked the deceased. He would further submit that the respondent was released on bail by the Sessions Court.

4.The learned Additional Public Prosecutor would submit that when the petitioner and one Shankar were fighting with each other, the deceased tried to pacify and separate them and by that time, the petitioner kicked the deceased on his stomach hit him with the stone, due to which the petitioner succumbed to injuries. He would further submit that the petitioner is having one previous case in Crime No.197/2020 under Section 307 I.P.C.

5.Taking into consideration of the facts and circumstance of this case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the Petitioner subject to the following 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 cum Judicial Magistrate, Pochampalli, Krishnagiri District within 15 days from the date of lifting of the lockdown and the 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 petitioners shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(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];

(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/-  
25/06/2020

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,  
CUM JUDICIAL MAGISTRATE, POCHAMPALLI,  
KRISHNAGIR DISTRICT

2 THE OFFICER INCHARGE  
SUB-JAIL, KRISHNAGIRI DISTRICT

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CC to M/S.P.M.DURAI SWAMY Advocate on payment of necessary charges

WEB COPY

CRL OP.9438/2020

Date :25/06/2020

rd 27/07/2020