

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10375 of 2020

Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police
Puthur Police Station,
Cuddalore District.
(Crime No.165 of 2020)

.... Respondent

PRAYER: This Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioner on Bail in the event of arrest in connection with the Crime No.165 of 2020 pending on the file of the Inspector of Police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Section 306 IPC in Crime No.165 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased named Kunjithabatham, is the father of the defacto complainant. On 22.05.2020, the petitioner along with others was playing cards. On seeing them, the deceased an elderly man advised them not to play cards on the road side due to which, the petitioner and others have abused the deceased with filthy language. The deceased being humiliated by the conduct of the accused attempted suicide by consuming poison on the same day and thereafter died on 01.06.2020. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit even as per the case of the prosecution, after the quarrel between the petitioner and the deceased, the deceased left to his home. Thereafter, he had consumed poison and that he died on 01.06.2020. When the deceased was

under treatment, he was conscious. But, the respondent did not take any steps to record dying declaration and that there is no allegation of abetment by the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner who is aged about 46 years and he had abused the deceased who is an elderly man in filthy language, as a result of which, the deceased consumed poison and died. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall Stay in Madurai and report before the Inspector of Police, Thallakulam Police Station, daily at 10.30 a.m until further orders. The petitioner shall not enter into the jurisdiction limits of Pudur Police Station, Cuddalore District of lifting of lock down and the commencement of the Court's normal functioning whichever is earlier, he furnish the sureties before the concerned Court.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KATTUMANNARKOIL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
PUTHUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.10375/2020

Date : 10/07/2020

RVR 23/07/2020

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