

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10724 of 2020

V.Govindasamy

... Petitioner

Vs.

The Inspector of Police,
G-3, Melmaruvathur Police Station,
Kancheepuram District.
Crime No.819 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.819 of 2020 pending on the file of the Inspector of Police, G3, Melmaruvathur Police Station, Kanchipuram District.

For Petitioner : Mr.S.Babu
For Mr.C.Prabakaran

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 302, 323 of IPC and Section 4 of Women Harassment Act in Crime No.819 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that on the complaint lodged by the de-facto complainant, who is the wife of the deceased alleging that she was neighbour of one Yuvarani and the said Yuvarani was burning the dirty cloths in the street and the smoke evoked there from have caused disturbance and also pollution. It was questioned by the de-facto complainant and in this regard there was a wordy quarrel between them. Immediately, the petitioner and his family members have come out and pushed the de-facto complainant by hands. After hearing the noise, the husband of the de-facto complainant came from his house and questioned about the wordy quarrel. Then the petitioner's family members have attacked the de-facto complainant's husband by their hands and as such he fell down and thereafter, he was taken to the hospital and declared brought dead.

3. The learned counsel for the petitioner would submit that there was a wordy quarrel while burning dirty cloths in the street by one Yuvarani and also beating up of the petitioner's family members. When it was questioned by the de-facto complainant there was a wordy quarrel between them, unfortunately the de-facto complainant's husband fell down and due to his age factor and previous illness, the de-facto complainant's husband died. The petitioner has been arrayed as A-4 in this case and even according to the case of the prosecution, the petitioner attacked the de-facto complainant by hands, in which she did not sustained any injury. The other accused persons viz., A1 to A3 attacked the deceased by their hands and as such fell down. He would further submit that this is the second anticipatory bail application by the petitioner and A1 to A3 were arrested and released on bail in Crl.O.P.Nos.9859 and 9860 of 2020 by an order dated 01.07.2020. He would also submit that the petitioner is a septuagenarian and he is suffering from cancer and due to Covid-19 he also lost his wife. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally four accused, the petitioner has been arrayed as A-4 in this case. When there was a wordy quarrel between the de-facto complainant and the petitioner's family members with regard to one Yuvarani was burning the dirty cloths in the street and the smoke evoked there from have caused disturbance and also pollution and the same was questioned by the de-facto complainant. The petitioner and his family members attacked the deceased by their hands and as such the deceased fell down and sustained head injury and declared in the hospital brought dead. Though the other accused persons were released on bail, which were filed under Section 302 of IPC not entitled for anticipatory bail. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. It is seen that there are totally four accused in this case the petitioner is arrayed as A-4. According to the case of the prosecution, the petitioner along with other accused persons entered into a wordy quarrel with the de-facto complainant and the deceased, in respect of burning dirty cloths in the street by one Yuvarani and commenced heavy smoke and pollution. Therefore, it was questioned by the de-facto complainant, in which the petitioner pushed by his hands and thereafter when it was questioned by the deceased being the husband of the de-facto complainant. then the petitioner's family members had attacked the deceased by their hands and as such he fell down and thereafter, immediately he was taken to the hospital where he has brought dead. Further, the other accused were arrested and released on bail by this Court.

6. Considering the above facts and circumstance and also age of the petitioner, being septuagenarian and his ill health suffering from cancer and also he lost his wife due to Covid-19, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Madurantagam, Kanchipuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood relative sureties each 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 report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/07/2020

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 JUDICIAL MAGISTRATE COURT,
MADURANTAGAM, KANCHIPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

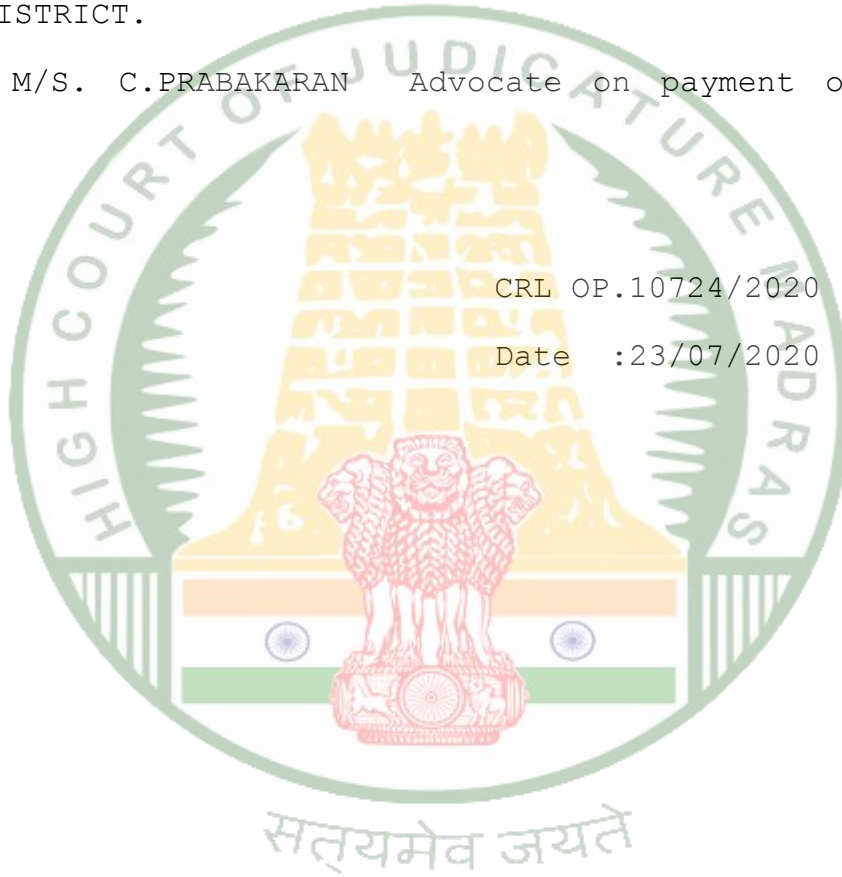
3 THE INSPECTOR OF POLICE
G-3 MELMARUVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges

CRL OP.10724/2020

Date :23/07/2020

cs 21/08/2020



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