

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

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

Cr1.O.P.No.11339 of 2020

Gurudev

... Petitioner/A1

Vs.

The State of Tamilnadu,
rep by the Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.
(Crime No.1085 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1085 of 2020, on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.05.2020 for the offences punishable under Section 323, 324 and 307 IPC @ Section 302 IPC, in Crime No.1085 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Savithiri, her son was in love with the daughter of one Annadurairaj/A1. On 07.05.2020, her son had gone to the house of A1 to meet A1 daughter. On seeing, her A1 and his family members get infuriated, they have assaulted her son brutally by using Cricket bat and stick due to which sustained injuries later he was taken to hospital and while he was under treatment he died without responding to the treatment. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a Juvenile in conflict with law. On 07.05.2020, when her minor sister was alone at home, the victim/deceased entered into the house and quarreled with her sister and misbehaved with her, the petitioner and his father who had returned on seeing the conduct of the deceased/victim reprimanded him and there was quarrel and scuffle during which the victim was assaulted with hands by A1 and he was admitted in

the hospital and later after two days he had died without responding to the treatment. Since the petitioner was present along with his father, he was also implicated as an accused in the case and he was arrested. He would further submit that the petitioner had filed bail application before the Lower Court in CrI.M.P.No.265 of 2020 and since it was stated by the prosecution that there is a chance of retaliation by the relatives of the deceased, the bail application was dismissed taking into consideration the safety of the petitioner. He would further submit that A1 his father has been granted bail by this Court by an order dated 18.06.2020 in CrI.O.P.No.8883 of 2020 and that safety of the petitioner is now ensured. He would further submit that the father of the petitioner is prepared to abide by any stringent condition that may be imposed and to take care of the safety of the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the son of A1. When the accused were away from their home, the deceased who is known to the minor daughter of A1 had come to the house of A1. The accused had come back home on seeing the presence of victim/deceased in the house they got enraged and assaulted him with hands and Cricket bat resulting in the victim sustaining grievous injuries and thereafter he was admitted in the hospital and died after two days. He would further submit that A1 and A2 have been enlarged on bail.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering 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 forthwith by the Superintendent of the Observation Home, Coimbatore without sureties.

(b) the parents/Guardian shall within seven days from lifting of lockdown or resumption of normal functioning of the Juvenile concern Justice Board whichever is earlier shall execute bond for a sum of Rs.10,000/- to the satisfaction of the Juvenile Justice Board.

(c)The respondent police shall scrupulously follow the provisions under the Juvenile Justice (Care and Protection of Children) Act 2015,

(d) 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;

(e) the petitioner shall comply the conditions as prescribed under the Provisions of the Juvenile Justice Act.

(f)the petitioner shall not commit any offences of similar nature;

(g)the petitioner shall not abscond either during investigation or trial;

(h)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i)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];

(j)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/-

29/07/2020

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 NO.I,
POLLACHI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
POLLACHI TOWN POLICE STATION,
COIMBATORE - DISTRICT.

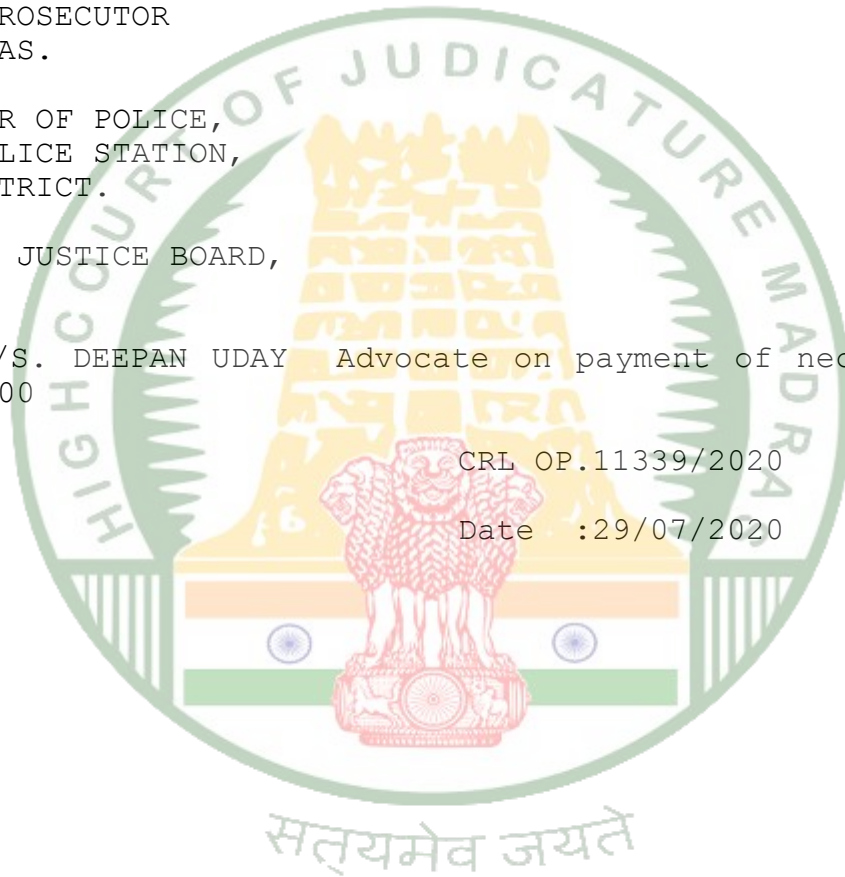
6 THE JUVENILE JUSTICE BOARD,
COIMBATORE.

+1CC to M/S. DEEPAN UDAY Advocate on payment of necessary
charges SR NO.5800

CRL OP.11339/2020

Date :29/07/2020

MK:31/07/2020



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