

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2020

CORAM :

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

Crl.O.P.No.10856 of 2020

Kotteeswaran

... Petitioner

- Vs. -

State by Inspector of Police,
Latheri Police Station,
Vellore District.
Crime.No.578/2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.578 of 2020 on the file of Inspector of Police, Latheri Police Station, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested on 24.05.2020, for the offences punishable under Section 294(b), 324, 506(ii) and 307 IPC @ into 294(b), 324, 506(ii) and 302 of IPC, in Crime No.578 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Arunachalam is that the petitioner, due to non settling of properties in his name quarreled and assaulted him and his wife, resulting in the death of his wife and the *de facto* complainant sustaining injuries.

3.The learned counsel for the Petitioner would submit that the petitioner is the grandson of the *de facto* complainant and that there was a dispute with regard to settling of properties, during which, there was a quarrel and the incident had happened during that time. He would submit that there was no intention to commit the murder and the occurrence had happened in a grave and sudden provocation. He would submit that the petitioner was arrested on 24.05.2020 and he is in custody for more than two months. He would further submit that the major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to non settling the properties, the petitioner quarreled with the *de facto* complainant and the deceased, who are his grandparents, during the said quarrel, he used a crowbar and attacked them, due to which, the wife of the *de facto* complainant (grandmother of the petitioner) succumbed to injuries. He would submit that the injured/*de facto* complainant has been discharged from the hospital. However, he vehemently opposed for the grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and that the period of incarceration suffered by the petitioner, 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, Katpadi, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 petitioner shall stay at Walajah and report before the Walaja Police station. It is made clear that the petitioner shall not enter into the jurisdictional limits pertaining to the respondent police station until further orders;

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

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

(g) the Petitioner 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 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];

(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/-
21/07/2020

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
LATHERI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges

CRL OP.10856/2020

Date :21/07/2020

MK:19/08/2020