

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

CrI.O.P.No.10926 of 2020

S.Saravanan

... Petitioner

Vs.

State Rep. By
Inspector of Police
B-1, Siva Kanchi Police Station
Kanchipuram
(Crime No.2173 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.2173 of 2020 pending on the file of the Inspector of Police, B-1, Siva Kanchi Police Station, Kanchipuram District.

For Petitioner : Ms.V.Deelabanu

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (CrI. 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 21.05.2020 for the offence punishable under Section 294 (b), 323 and 302 and 506(i) IPC r/w. Section 4 of TNPHW Act, in Crime No.2173 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a dispute between the family members of the petitioner and the deceased on account of fight between the children belonging to both families. The petitioner on the fateful day had during a quarrel, assaulted the mother of the defacto complainant due to which, she fell down and sustained injuries in the head and passed away on her way to the hospital.

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 the incident had happened during the quarrel between the families and there was no motive or intention to cause the death of the victim. He would further submit that the petitioner was arrested on 21.05.2020 and he is in judicial custody for more than 60 days.

4.The learned Government Advocate (Crl. Side) would submit that during a quarrel between the family members of the deceased and the petitioner, he had assaulted the deceased on the head due to which, she fell down and sustained injuries and she died while she was taken to the hospital.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(a)Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.1, kanchipuram, **within a period of two weeks after lifting of 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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before B-3, Kanchi Taluk Police Station daily at 10.30 a.m until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of B-1, Siva Kanchi Police Station.

(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 petitioners in accordance with law as if the conditions 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/-
22/07/2020

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,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B1-SIVA KANCHI POLICE STATION,
KANCHIPURAM.

6 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHIPURAM.

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

CRL OP.10926/2020

Date :22/07/2020

MK:19/08/2020