

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Crl.O.P.No.12235 of 2020

Siranjeevi

... Petitioner

Vs.

State Rep. by Inspector of Police  
Pennalurpet Police Station  
Tiruvallur District  
(Crime No.320 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.320 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.M.Amutha Ganesh

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

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 25.05.2020 for the offences punishable under Section 174 Cr.P.C. @ 294(b), 323 and 302 IPC, in Crime No.320 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner is the son of the deceased. The deceased had spent the salary amount handed over to him by consuming alcohol, due to which, there was a quarrel between them, thereby, the petitioner had assaulted his father in a wooden log, due to which, the deceased sustained injuries and died on the spot.

3.The learned counsel appearing for the petitioner would submit that it is a case of patricide. He would further submit that the petitioner's father had taken away the salary of the petitioner and used it for consuming alcohol, enraged by the said act, the petitioner picked up a quarrel with his father and during the quarrel, he pushed his father, due to which, he fell down and died. He would further submit that the petitioner had no intention to commit the murder of his father, the occurrence took place due to the quarrel between them. He would further submit that the petitioner was arrested on 25.05.2020 and he is in custody for more than 80 days.

4.The learned Government Advocate (Crl. Side) would submit that the deceased is the father of the petitioner. The petitioner's father had used the salary amount of the petitioner for drinking, due to which, there was a quarrel between them and thereby the petitioner had pushed his father, due to which, his father fell down and died. Investigation is pending.

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 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 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, Uthukottai, **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 the respondent police everyday at 10.30 a.m. 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 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];

(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/-  
14/08/2020

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,  
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PENNALURPET POLICE STATION,  
TIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,  
SUB JAIL, PONNERI.

CC to M/S A.M.AMUTHA GANESH Advocate on payment of necessary charges

CRL OP.12235/2020

Date :14/08/2020

TA-08/09/2020

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