

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CRL.O.P.No.14317 of 2020

Babu.E
S/o.Ezhumalai

... Petitioner

Vs.

The State

The Inspector of Police,
Chittamur Police Station,
Chengalpattu District.

(Crime No.859 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.859 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Gokulakrishnan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 31.07.2020, for the offence punishable under Sections 294 (b), 323 and 506(1) of IPC altered to 294(b), 323, 506(1) and 304(2) of IPC, in Crime No. 859 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Kothandan is that there was a quarrel between the uncle of the defacto complainant and the accused on 13.07.20120 while they were fishing in a common pond at that time the accused pushed him, due to which the uncle of the defacto complainant fell down and hit against the stone and sustained injuries, thereafter the victim was taken to the Government Hospital, Chennai and he died on 30.07.2020.

3.The learned counsel appearing for the petitioner would submit that originally the case was registered for the offences punishable

under Section 294(b), 323 and 506(1) of IPC and after the death of the victim, it was altered to 294(b), 323, 506(1) and 304(2) of IPC, He would further submit that the alleged incident said to have taken place on 13.07.20120 and the complaint was given on 15.07.2020 and the death of the victim occurred on 30.07.2020. He would further submit that the petitioner was arrested on 31.07.2020 and he is custody for more than 45 days. He would further submit that even as per F.I.R. there was no intention to cause the death of the victim and it was only during the sudden quarrel, the incident had happened and there was also a delay in lodging the complaint.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that during the quarrel while fishing in a pond, the petitioner had pushed the victim, due to which he sustained injury and died after 18 days. He would further submit that the investigation is pending.

5.Taking into consideration of the facts and submissions made by the learned counsels and the fact that the victim died only after 18 days of the said occurrence and there was no intention to commit the murder, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Madhurantakam, Chengalpattu, and on further further conditions that;

(b) 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;

(c) the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

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

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

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

(g) 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];

(h) 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/-

15/09/2020

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,
MADURANTAKAM, CHENGALPET

2 THE SUPERINTENDENT,
DISTRICT PRISON, CHENGALPATTU

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHITTAMUR POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. U.GOKULAKRISHNAN Advocate on payment of necessary charges



सत्यमेव जयते

CRL OP.14317/2020

Date :15/09/2020

RD 16/09/2020

WEB COPY