

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.15142 of 2020

R.Ramesh

... Petitioner/Accused (Single)

Vs.

The State represented by,
The Inspector of Police
Sunguvarchathram Police Station
Kancheepuram District.
(Crime No.886 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.886 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Ms.S.Thankira
Government Advocate (Crl. 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 28.07.2020 for the offences punishable under **Sections 294(b), 302 IPC in Crime No.886 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Arjunan is that on 27.07.2020, he was informed by his father that the petitioner had demanded money from him for drinking liquor and when it was refused by him, the petitioner/accused has kicked him and when he fell down, the petitioner had hit him with stone on his head and chest and thereby, he has sustained injuries. Thereafter, the defacto complainant took his father to the hospital, where he was declared brought died. Hence, the complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that the incident had happened during the quarrel and since the defacto

complainant's father and the petitioner were in an inebriated condition, they were unaware of the incident took place. He would submit that the petitioner was arrested on 28.07.2020 and he is in custody for more than 55 days. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had demanded money from the deceased for consuming alcohol and when it was refused by the father of the defacto complainant, the petitioner has kicked him, due to which, he fell down and the petitioner has assaulted him with stone on his head and chest and thereby he died. She would further submit that the investigation is pending and that the report is awaited from the Forensic Laboratory.

5. Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 28.07.2020, 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, Sriperumbudur and on 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 stay at Dindivanam and report before Dindivanam Town Police Station everyday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdiction of the respondent police.

(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;

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/09/2020

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, SRIPERUMBUDUR
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAL
- 3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE, SUNGUVARCHATHIRAM POLICE STATION, KANCHEEPURAM DIST.
- 5 THE OFFICER INCHARGE DINDIVANAM TOWN POLICE STATION, DINDIVANAM

+1 CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.6472

CRL OP.15142/2020

Date :25/09/2020

GKS:28/09/2020