

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15570 of 2020

Ramesh

S/o. Chinnakannu

... Petitioner

Vs.

State by:-

The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

(Crime No.489 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.489 of 2020, on the file of the respondent police.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mrs.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 24.08.2020 for the offences punishable under Sections 294 (b), 323, 324 and 506(i) of IPC and later altered into Sections 294 (b) and 302 of IPC in Crime No.489 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that there was a dispute between the family of the defacto complainant and the family of the accused in respect of a pathway and that on 25.07.2020 at about 9.30 p.m., the defacto complainant's wife Yasodha and the mother of the petitioner had quarrelled and ended into a fight. During the fight, the petitioner had pushed the wife of the defacto complainant. When she fell down, the petitioner had kicked on her stomach due to which, she sustained internal injuries. Initially, she was taken to primary health centre. Thereafter, she was shifted to Uthangarai Government Hospital. From there, she was shifted to Krishnagiri Government Hospital and thereafter she was shifted to Mohan Kumaramangalam Hospital, Salem, and from there she was shifted to Government Hospital Coimbatore,

where she breathed her last on 21.08.2020. Originally the case was registered for offence under Sections 294(b), 323, 324 and 506(i) of IPC and later altered into Sections 294(b) and 302 of IPC. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there was a fight between the mother of the petitioner and the wife of the defacto complainant during which time, the victim has assaulted the mother of the petitioner and thereby the petitioner intervened and separated them. Other than that he did not do anything. While separating them, the victim fell down and she was taken to Primary Health Centre and originally the case was registered for offence under Sections 294(b), 323, 324 and 506(i) of IPC. Later, she was shifted to various hospitals and that due to improper treatment, she breathed her last on 21.08.2020 and the petitioner was arrested and remanded to judicial custody on 24.08.2020. He would submit that the petitioner had no intention to cause the death of the victim and the incident had happened during a sudden quarrel between the mother of the petitioner and the victim. He would submit that the petitioner is prepared to abide by any stringent condition. Hence, he prays for grant of bail.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 25.07.2020 at about 9.30 p.m., there was a quarrel between the wife of the defacto complainant and mother of the petitioner during which time, the petitioner kicked the wife of the defacto complainant on her stomach due to which, she suffered liver injury and taken to hospital on the same. Thereafter, she was referred to various hospitals and she breathed her last on 21.08.2020 and thereby, the case was altered to Sections 294(b) and 302 of IPC. She would further submit that the investigation is pending. Hence, she vehemently opposed for grant of bail

5 Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration of the petitioner from 24.08.2020, 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 District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District, 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 Karur and report before the Karur Town Police Station every day at 10.30 a.m. and 5.30 p.m. until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

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/-

01/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI,
KRISHNAGIRI DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

CC to M/S.P.M.DURAIWAMY Advocate on payment of necessary charges

CRL OP.15570/2020

Date :01/10/2020

RD 05/10/2020