

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2020

CORAM :

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

Crl.O.P.No.15546 of 2020

Vivek

.... Petitioner

-Vs-

The State Represented by
The Inspector of Police,
Villupuram Town Police station,
Villupuram District.
(Crime No.1547 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.1547 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

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 on 19.08.2020, for the offences punishable under Sections 294 (b), 324, 307 and 302 of IPC, in Crime No.1547 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution, as per the de facto complainant viz., Ramesh is that he is working as a Supervisor in MLS Maligai Shop and one Ramakirshnan/victim and this petitioner are working in packing section in the same shop. The allegation is that on 18.08.2020, there was a quarrel between them and the petitioner had assaulted the victim with a hammer and hands due to which he was admitted in a hospital on the same day and thereafter, he was shifted to Jipmer Hospital for better treatment, where he passed away on 28.08.2020 without responding to treatment. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely fixed in this case. Even as per the FIR, initially the victim was admitted in the hospital by one Parthiban. At the time of admission he had stated that the victim has suffered injury due to fall and only later the petitioner was fixed in this crime. He would further submit that the statement has been recorded from the defacto complainant as if the wrong information was given by the said Parthiban to the Doctor for the sake of getting the victim admitted in the hospital. He would further submit that even as per the FIR, the incident happened on 18.08.2020 and the victim succumbed to the injuries on 24.08.2020.

Originally the case was registered under Sections 294 (b), 324 & 307 of IPC. Only after the death of the victim, the case was altered into the Section 294 (b), 324, 307 & 302 of IPC. The petitioner is in custody from 19.08.2020 i.e., for more than 44 days. Therefore, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there was a quarrel between the petitioner and the victim who are co-workers and the petitioner assaulted the victim with hammer and hands due to which he sustained head injury. She would further submit that he was taken to the hospital by one Parthiban who had given the false information only to admit the victim and save his life. She would submit that the defacto complainant is an eye witness to the occurrence. She would further submit that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner from 19.08.2020, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined 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.I, Villupuram, within 15 days from the date of lifting of the 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 Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Madurai and report before the Thallakulam Police Station every day at 10.30.am. and 5.30 p.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police.

(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 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 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 JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, VILLUPURAM.

5 THE OFFICER INCHARGE,
THALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges
sr.6604

CRL OP.15546/2020

Date :01/10/2020

RVR 05/10/2020