

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.No.17142 of 2020

Ranganathan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Dhally Police Station,
Tiruppur District.
(Crime No.732 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.732 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Gunalan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 294(b) & 306 of IPC, in Crime No.732 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 22.07.2020, when the defacto complainant was a pillion rider, her husband was riding the two wheeler. At that time, the father of the accused came in a two wheeler in a rash and negligent manner and thereby, both the vehicles met with an accident due to which, the defacto complainant and her husband sustained injuries and they took first aid treatment at a Government Hospital. Thereafter, on 07.08.2020, the accused came to the house of the defacto complainant and demanded Rs.50,000/- towards his father's medical expenses for which, the husband of the defacto complainant, agreed to pay only Rs.5,000/- and thereby, the accused abused him stating that if he is unable to give Rs.50,000/-, then he may commit suicide following which, the husband of the defacto complainant committed suicide.

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 further submit that the defacto complainant's husband who drove the vehicle, hit against the two wheeler of the petitioner's father due to which, the petitioner's father sustained serious injuries. Initially, the victim had agreed to pay the medical expenses of his father and later refused to pay the amount. Thereby, there was a quarrel between them and later, the victim committed suicide for some other reasons. Whereas, a false complaint has been given as if, the petitioner abetted the the suicide. He would further submit that even in the F.I.R. there is no allegation of abetment and that the petitioner has been suffering incarceration from 05.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner's father and the victim met with an accident due to which, the petitioner's father sustained injury. Thereby, the petitioner threatened the victim to pay Rs.50,000/- towards medical expenses and also harassed him due to which, the victim committed suicide. He would further submit that the investigation is pending.

5.Heard the learned Counsels on either side and perused the F.I.R.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also taking into consideration 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 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 No.I, Udumalpet, and on further conditions that: सत्यमेव जयते

(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 on his release from prison shall stay at Coimbatore and report before the R.S. Puram Police Station, everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police 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.

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

-sd/-

03/11/2020

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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
DHALLY POLICE STATION,
TIRUPPUR DISTRICT.

6 THE OFFICER INCHARGE
R.S. PURAM POLICE STATION,
COIMBATORE.

+1 CC to M/S.S.GUNALAN Advocate on payment of necessary charges
SR.No.7224

CRL OP.17142/2020

Date :03/11/2020