

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.17268 & 17271 of 2020

Shankar ... Petitioner in Crl.O.P.No.17268 of 2020

Banu ... Petitioner in Crl.O.P.No.17271 of 2020

Vs.

Inspector of Police,  
K8, Arumbakkam Police Station,  
Chennai.

Crime No.1015 of 2020 ... Respondent in both Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1015 of 2020 pending investigation before the respondent police station.

In Both the Petitions

For Petitioners : Mr.V.Lakshmi Narayanan

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

COMMON ORDER

(These cases have been heard through video conference)

The petitioners were arrested and remanded to judicial custody on 24.09.2020 for the offences punishable under Sections 341, 294(b), 323, 307 of IPC subsequently altered into 302 of IPC, in Crime No.1015 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Kamalakannan is that the petitioners are their neighbours and tenants. Further, due to money transactions, there was a dispute between the family members of the defacto complainant and the petitioners. Since the defacto complainant's family did not pay back the amount, the petitioners have locked the premises belonging to the defacto complainant's family, thereby, there was a quarrel between

them on 24.09.2020 and during the quarrel, the petitioners had pushed his brother from the upstairs, due to which, he fell down and sustained injuries and he was taken to the hospital, where he had succumbed to the injuries suffered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the petitioners are the tenants in the premises belonging to the defacto complainant's family and there was a dispute between them with regard to rent, due to which, there was a scuffle, during the scuffle, the deceased assaulted Shankar/ the petitioner in Crl.O.P.No.17268 of 2020, who is a kidney patient undergoing treatment for dialysis, hence his mother, the petitioner in Crl.O.P.No.17271 attempted to rescue her son from the scuffle just separated them, during which, the deceased fell down from the stairs and sustained injuries. He would further submit that there was no intention or motive to cause death of the victim and that the incident took place during the scuffle in an unfortunate manner. He would further submit that Shankar, the petitioner in Crl.O.P.No.17268 of 2020 is undergoing treatment for kidney and his health condition continued to deteriorate day by day, accordingly he would seek for bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that due to financial dispute, there was a quarrel between the petitioners and the defacto complainant's family and during the scuffle, the petitioners have pushed the brother of the defacto complainant from the 2<sup>nd</sup> floor to the 1<sup>st</sup> floor, due to which, the victim sustained injuries and when he was taken to the hospital, he succumbed to injuries without responding to the treatment.

5.Heard the learned counsel on either side. Perused F.I.R. And other materials placed on record.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also considering the health condition of the petitioner in Crl.O.P.No.17268 of 2020 and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the Learned V Metropolitan Magistrate, Egmore, Chennai, 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 petitioners on their release from prison shall stay at Vellore and report before the Sathvachari Police Station, everyday at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police.

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

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

04/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

WEB COPY

TO

1 THE METROPOLITAN MAGISTRATE  
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAI, CHENNAI.

4 THE SUPERINTENDENT,  
CENTRAL PRISON FOR WOMEN,  
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,  
K8, ARUMBAKKAM POLICE STATION,  
CHENNAI.

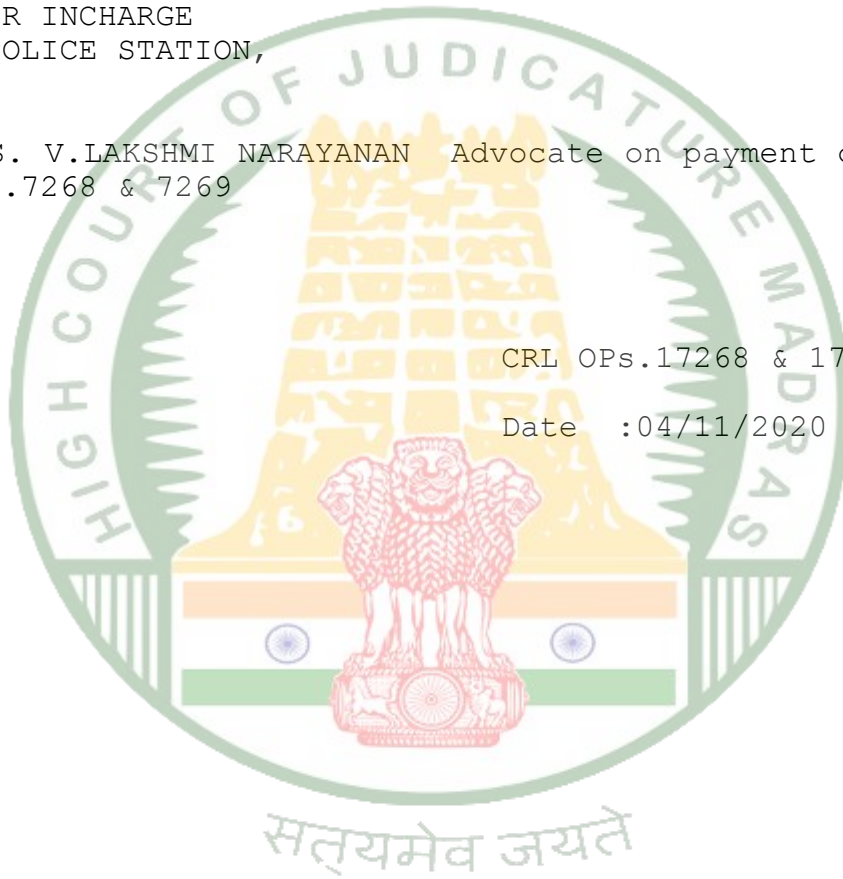
7 THE OFFICER INCHARGE  
SATHUVACHARI POLICE STATION,  
VELLORE.

+2 CC to M/S. V.LAKSHMI NARAYANAN Advocate on payment of necessary  
charges SR.Nos.7268 & 7269

CRL OPs.17268 & 17271/2020

Date :04/11/2020

cs 05/11/2020



WEB COPY