

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17707 of 2020

Ilaiyakumar

... Petitioner

Vs.

State Rep by:-

The Sub- Inspector of Police,
Alangayam Police Station,
Vellore District.

(Crime No.251 of 2019)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.251 of 2019 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran
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 06.10.2020 for the offences punishable under Sections 147, 294(b), 323, 506(i) & 302 of IPC subsequently altered into 147, 294(b), 323, 506(i), 302, 363, 120(B) of IPC and Section 5 of Tamil Nadu Forest Act 1882 and Section 36(A) (E) of Timber Transport Rules in Crime No.251 of 2019 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 accused and her son. While so, on 03.12.2019, when the de facto complainant and her daughter-in-law were at home, the accused had gone there, quarreled with them and demanded money from her son and during the quarrel, the accused, who are 10 in number (7 named and 3 unnamed) have assaulted the deceased with hands resulting in her death.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that even as per the FIR, the occurrence is said to have taken during a quarrel and no weapon was used. Even the medical report reflects that the victim had died of shock. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the accused, who are 10 in number, were engaged by the husband of the deceased for illegal cutting and trading of Red Sanders in Andhra Pradesh and since he had refused to pay them money, the accused had gone to the house of the deceased and quarreled with the deceased and her family members and assaulted them. The deceased was taken to the hospital and during admission, she was declared brought dead. The Postmortem report reveals that she died of shock. He also submitted that the other accused have been granted bail and that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate No.III, Thiruppathur and it has not been taken on file.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.III, Thiruppathur, 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.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.III, Thiruppathur 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, on his release from prison, shall report before the respondent police everyday at 10.30 a.m 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.

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

-sd/-

10/11/2020

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.III, THIRUPPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.17707/2020

Date : 10/11/2020

RVR 11/11/2020

WEB COPY