

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18526 of 2020

MAHENDIRAN

... Petitioner

-Vs.-

State Rep. By
The Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.169 of 2020) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.169 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.D.Baratha Chakravarthy
Additional Public Prosecutor,
Pondicherry.

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.09.2020 for the offence punishable under Section 302 IPC read with 34 IPC in Crime No.169 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner had one side love with one of the daughter of the deceased. While so, on 11.09.2020 at about 10.15 p.m., the petitioner and one another came near the house of the deceased and were creating nuisance. When the same was questioned, there was a quarrel between the deceased and the accused. Following which, the petitioner along with another accused, joined together and assaulted the deceased by hands and legs and also pushed him on the floor. Due to which, he fell down on the ground and became unconscious. Thereafter, the deceased was taken to the hospital where, he was declared as brought dead. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that due to previous enmity, a false case has been foisted against the petitioner and that there are no previous case pending against the petitioner. He would submit that the petitioner was arrested on 11.09.2020 and he has been in judicial custody for more than 50 days. Hence he prays grant bail to the petitioner.

4. The learned Additional Public Prosecutor (Pondicherry) appearing for the respondent would vehemently oppose stating that due to enmity, the petitioner and one another joined together and assaulted the deceased by hands and legs and thereafter pushed him on the floor due to which, he sustained injuries and became unconscious. When he was taken to the hospital, he was declared as brought dead.

5. At this juncture, the learned Counsel for the petitioner would submit that without prejudice to his contention, the petitioner is prepared to pay an amount of Rs.1,00,000/- (Rupees One Lakh Only) to the family of the deceased.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering 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 directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) either through RTGS or by way of cash to the credit of **Mrs.Vijaya W/o.Ravichandiran**, Indian Overseas Bank, Thirunallar Branch A/c No.026101000016935; IFSC Code IOBA0000261 and a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of **Azhagarasi D/o.Ravichandiran**, the Bank of India, Thirunallar Branch A/c.No.811110110009067; IFSC Code BKID0008111 and a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of **Kayalvizhi D/o.Ravichandiran**, the Bank of India, Thirunallar Branch A/c.No.811110110009066; IFSC Code BKID0008111. On such deposit and production of proof, 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 likesum to the satisfaction of the **learned Judicial Magistrate No.II, Karaikal**, and on further conditions that:

(b) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(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

(d) the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

(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.

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

-sd/-
03/12/2020

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-II,
KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDHUCHERRY [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
PUDHUCHERRY.

4 THE STATION HOUSE OFFICER,
THIRUNALLAR POLICE STATION, KARAIKAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET, PUDHUCHERRY.

7 MRS.VIJAYA W/O.RAVICHANDIRAN,
INDIAN OVERSEAS BANK, THIRUNALLAR BRANCH A/C
NO.026101000016935; IFSC CODE IOBA0000261

8 AZHAGARASI D/O.RAVICHANDIRAN,
THE BANK OF INDIA, THIRUNALLAR BRANCH A/C.NO.
811110110009067; IFSC CODE BKID0008111

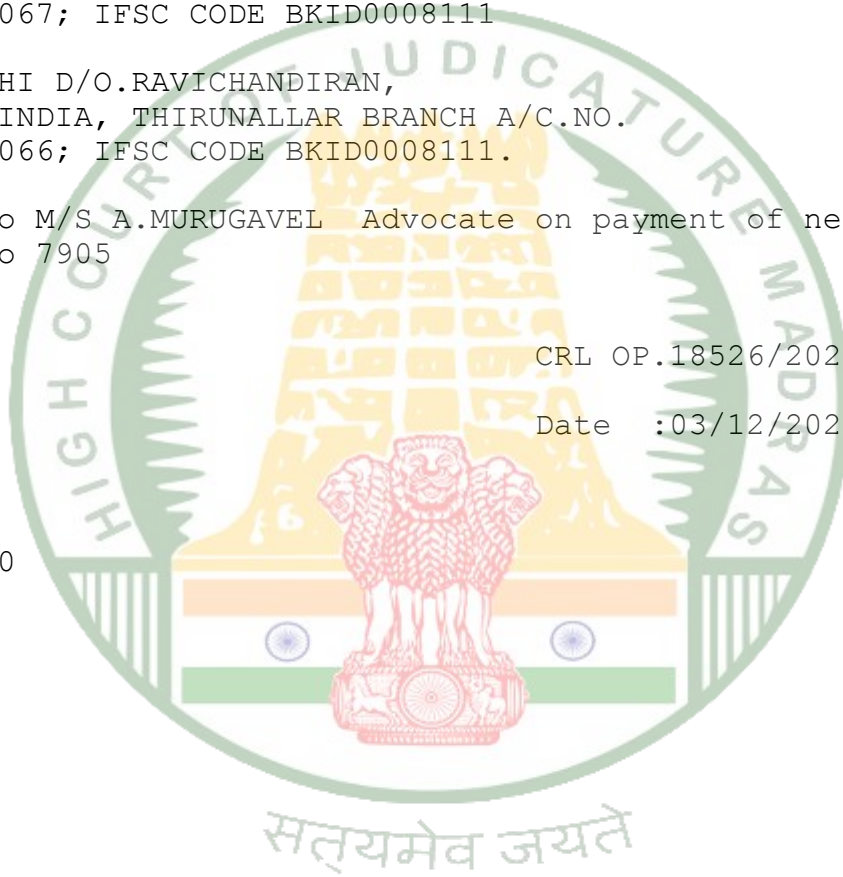
9 KAYALVIZHI D/O.RAVICHANDIRAN,
THE BANK OF INDIA, THIRUNALLAR BRANCH A/C.NO.
811110110009066; IFSC CODE BKID0008111.

+1 CC to M/S A.MURUGAVEL Advocate on payment of necessary
charges SR.No 7905

CRL OP.18526/2020

Date :03/12/2020

MN-07/12/2020



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