

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

CRL.O.P.No.20279 of 2020

Ramasamy

... Petitioner

Vs.

State represented by the
Inspector of Police,
15 Velampalayam Police Station,
Tiruppur.
(Crime No.1447 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.1447 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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 03.11.2020 for the offence punishable under Sections 294(b), 307 and 506(ii) of IPC @ Section 302 of IPC Act, in Crime No.1447 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Sriselva Lakshmi is that on 01.11.2020 there was a quarrel between one Dhandapani and the petitioner. At that time the grand father of the defacto complainant namely Nataraj @ Palanisamy had intervened and asked them to stop the quarrel. Thereafter, on 02.11.2020, the petitioner asked the defacto complainant's grand father that who is he to intervene and also assaulted him with wooden log due to which, he sustained injuries. Initially the case was registered for offence under Sections 294(b), 307 and 506(ii) of IPC and the victim was taken to Tiruppur Government Hospital. While he was under treatment, his condition deteriorated. Thereby, he was shifted to Medical College Hospital wherein he succumbed to injuries on 05.11.2020.

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 due to land dispute, the petitioner's name has been unnecessarily implicated in this case. He would submit that the defacto complainant is not an eye witness to the occurrence and that originally the case registered for

offence under Section 307 IPC. Thereafter, due to old age, the victim died. Whereas, the case was altered to one under Section 302 IPC and that the petitioner has been suffering incarceration from 03.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the defacto complainant's grand father/the deceased had intervened in the dispute between one Dhandapani and the petitioner to pacify them. Enraged by the same, on the next day, the petitioner abused and assaulted the defacto complainant's grand father with wooden log due to which, the victim sustained injuries and that he was admitted in the Government Hospital, Tiruppur, on 02.11.2020. Thereafter, he was shifted to Medical College Hospital where he breathed his last on 05.11.2020.

5. Heard the learned Counsels and perused the F.I.R.

6.Taking into consideration of the facts and circumstance 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.III, Tiruppur, 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 stay at Tindivanam and report before the Town Police Station, 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.

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

-sd/-

18/12/2020

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,
NO.III, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
15 VELAMPALAYAM POLICE STATION,
TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION,
TINDIVANAM

CC to M/S J.FRANKLIN Advocate on payment of necessary charges

WEB COPY

CRL OP.20279/2020

Date :18/12/2020

RVR 21/12/2020