

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.20498 of 2020

DEENA

... Petitioner

Vs.

State by the Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
(Crime No.2477 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2477 of 2020 on the file of the respondent police.

For Petitioner : Ms.M.Rebecca

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 15.10.2020 for the offence punishable under Sections 294(b) and 302 of IPC, in Crime No.2477 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Gemini is that on 15.10.2020, the accused had come to the shop of his friend Gunathangam and at that time, there was a quarrel between them on account of parking of the vehicle and that the accused had abused him with filthy language. While so on the same day around 8.30.p.m, the friend of the de facto complainant Kurubaran had questioned the accused as to why he had abused the de facto complainant and that again there was a quarrel and at that time, the accused had caught hold of the shirt of the friend of the de facto complainant and assaulted him with a brick on the head and shoulder, due to which, he sustained injuries and thereafter, the de facto complainant taken his friend to the hospital in a two wheeler, where he was declared as brought dead.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that during a quarrel, the petitioner assaulted the friend of the de facto complainant with brick on the head and shoulder, due to which, he sustained injuries and died. He would submit that the de facto complainant and his friend assaulted the petitioner and only as a retaliation, the petitioner left with no option used brick to assault the deceased. He would submit that the petitioner has no intention to commit the murder of the deceased.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner, during quarrel, assaulted one Kurubaran, who is the friend of the de facto complainant, with a brick, due to which, he sustained head injury and when he was taken to hospital, he was declared that he was brought dead.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the incident had happened during a sudden quarrel 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 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-II, Tiruvannamalai, 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

(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/-
22/12/2020

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.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
KILPENNATHUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.M.REBECCA Advocate on payment of necessary charges
SR.No.8546

WEB COPY

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Date :22/12/2020

cs 23/12/2020