



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14443 of 2020

Dhinesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Naducauvery Police Station,
Thanjavur District.
Crime No.886 of 2020.

... Respondent/Complainant

For Petitioner : Mr.U.Umamaheswaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

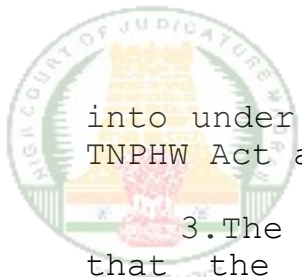
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.886 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.09.2020 for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC, in Crime No.886 of 2020, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 20.09.2020 when the defacto complainant and the deceased were standing to attend natural calls, the accused was influenced alcohol and pulled her hands and attempted to outrage her modesty. When the same was questioned by the deceased aged about 75 years, the accused attacked the defacto complainant as well as the deceased with deadly weapons on her hip and thigh. Therefore, both the defacto complainant and the deceased sustained injuries and immediately they were taken to the hospital. Based on the complaint given by the defacto complainant, the crime has been registered for the offences under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 174 Cr.P.C. Subsequently the deceased died. Hence, the case has been altered



into under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner was influenced alcohol quarreled with his neighbour of the defacto complainant and the deceased. Therefore, the defacto complainant as well as the deceased sustained simple injury and they were admitted into the hospital, subsequently, both were discharged from the hospital. Therefore, the respondent Police has registered a case in Crime No.886 of 2020 for the offences under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 174 Cr.P.C. After period of five days, the deceased died due to her old age illness. Thereafter, the respondent police has altered sections into under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC. He further submitted that the petitioner is in jail for nearly 81 days and hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that when the defacto complainant and the deceased were standing to attend natural calls, the accused was influenced alcohol and pulled her hands and attempted to outrage her modesty. When the same was questioned by the deceased aged about 75 years, the accused attacked the defacto complainant as well as the deceased with deadly weapons on her hip and thigh. Due to which, both the defacto complainant and the deceased sustained injuries and were taken to the hospital. Though the deceased was initially discharged from the hospital, due to said injuries, she died on 26.09.2020. Therefore, the respondent police has altered sections into under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC. He further submitted that the investigation is still pending.

5.It is seen that the petitioner is the sole accused and on 20.09.2020 when the defacto complainant and the deceased were standing to attend natural calls, the accused was influenced alcohol and pulled her hands and attempted to outrage her modesty. When the same was questioned by the deceased aged about 75 years, the accused attacked the defacto complainant as well as the deceased with deadly weapons on her hip and thigh. Initially the case was registered for the offences under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC. Subsequently the deceased died. Hence, the case has been altered into under Sections 294(b), 324 and 506(ii) of IPC r/w Section 4 of TNPHW Act and 304(ii) of IPC.

6.On perusal of the alteration report, it revealed that the deceased died due to "Starvation/Metabolic Causes/Secondary to Right Promimal Fermar and its Complications ".



7. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall stay at Palani and report before the Palani Town Police Station daily Morning at 10.30 a.m and Evening 05.00 p.m for a period of six weeks and thereafter, report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
NADUCAUVERY POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
PALANI.

ORDER

IN

CRL OP(MD) No.14443 of 2020

Date :21/12/2020

MS/PN/SAR-4/21.12.2020/4P.7C