

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1811 of 2021

J.Sanjeev Kumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Veerapandi Police Station,
Veerapandi, Tiruppur District.
(Crime No.965 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.965 of 2020 on the file of respondent police.

For Petitioner : Mr.N.Kannan

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A5. The petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Sections 147, 148, 294(b), 341, 307 @ 302 of I.P.C. in Crime No.965 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, earlier, A1 in this case voluntarily picked up quarrel with the deceased and also taken his motorcycle key, as a result of which, there was a wordy quarrel between them. When the victim tried to get back his motorcycle key, the deceased said to have abused A1 and pushed down him. Thereafter, A1 bring all the accused to the scene of occurrence and all the accused caught hold of deceased and A2 one Subash, said to have attacked him with wooden log, thereby caused serious injury and he died on the spot. The defacto complainant and other persons are friends of deceased and all are eye-witnesses to the occurrence, and they have taken up the deceased to the hospital. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 16.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the occurrence taken place in the wordy quarrel and even in the F.I.R., only three persons names were found and the petitioner's name

was not found place. He would submit that as per the allegation in the F.I.R., the motive is only between A1 and the deceased. He would also submit that A2 alone has attacked the deceased and caused injury. He would submit that so far as this petitioner is concerned, he has only caught hold of the deceased. He would submit that now the petitioner is in jail for nearly two months and the investigation is also over. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that even though the motive between A1 and deceased, A1 caught hold of deceased along with other accused persons, A2 has attacked him with wooden log and caused death. She would submit that now the investigation is almost completed and the respondent police has also filed the final report. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the motive is only between A1 and the deceased, as per the allegation in the F.I.R., this petitioner has only caught hold of the deceased and A2 alone has attacked the deceased with wooden log, thereby caused death, investigation is almost completed, the respondent police has also filed the final report 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 stringent 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.4, 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 Madurai and report before the Anna Nagar Police Station, Madurai daily 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/-

15/02/2021

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.4, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
VEERAPANDI, TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE OFFICER INCHARGE,
ANNA NAGAR POLICE STATION,
MADURAI

CC to M/S.N.KANNAN Advocate on payment of necessary charges

CRL OP.1811/2021

Date :15/02/2021

RVR 16/02/2021

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