

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1954 of 2021

Thirugnanan

... Petitioner

Vs.

The State Rep. by

... Respondent

The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.
(Crime No.2784 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 2784 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.V. Bhagiradhan

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offences punishable under Sections 294(b), and 302 IPC in Crime No. 2784 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner and the deceased belongs to same place. The petitioner, who is a widower, said to have love affair with a relative of the deceased and hence, the deceased and his family members said to have condemned the petitioner, hence, there was previous enmity between them. While so, on 14.12.2020 at about 8.00 p.m., wordy quarrel arose between the petitioner and the defacto complainant, in which, the petitioner is said to have attacked the deceased with hands and also kicked him in his abdomen and caused severe contusion and thereafter, he was taken to the private hospital, where the Doctors adviced the defacto complainant to take him to Vellore Government Hospital. However, due to financial crisis, they have brought back the deceased to their house and subsequently, 16.12.2020, at about 5.00.a.m., he died. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that due to provocation the petitioner attacked the deceased with hand and eventhough the occurrence is said to have taken place on 14.12.2020, the deceased died after 2 days, i.e. on 16.12.2020 in his house. Due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier, due to harassment of this petitioner, his wife committed suicide and thereafter, he was in love with another lady, who is the relative of the deceased and because of his torture she also attempted to commit suicide. When the deceased questioned the petitioner, he attacked him and also kicked him in his stomach forcibly and caused severe contusion, due to which, he died. If the petitioner is released on bail, he may tamper the witness. He would further submit that investigation in this case is almost completed. Hence, she opposed to grant bail to the petitioner.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. The occurrence has taken place on 14.12.2020 and the petitioner is said to have attacked the deceased with hand and kicked in his abdomen and thereafter, the deceased was taken to the hospital, where, the Doctors advised the defacto complainant to take the deceased to Vellore Government Hospital for further treatment. But, against the medical advice, they have taken back the deceased to their house, where, he died on 16.12.2020, i.e., two days after the occurrence.

7. Considering the said facts and circumstances of the case and the fact that investigation in this case is almost completed 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, Arni, 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 shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station 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.

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

-sd/-

10/02/2021

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,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, POLUR.

+1 CC to M/S.V.BHAGIRADHAN Advocate on payment of necessary charges SR.NO.1397

CRL OP.1954/2021

Date :10/02/2021