

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3931 of 2021

Thangapandi

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Kattur Police Station,
Coimbatore City.
Cr.No.1416 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.1416 of 2020 on the file of the respondent police.

For Petitioner : Mr. V. Illanchezian

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 20.10.2020 for the offence punishable under Sections 294 (b), 506(ii) & 302 of IPC in Crime No.1416 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner and the deceased are closed friends. On 19.10.2020, while they were consuming liquor, wordy quarrel arose between them, in which, the petitioner said to have attacked the deceased with stone on his head and caused serious injuries to him. Immediately, he was taken to the hospital, where he died. Initially, the complaint came to be registered under Section 307 IPC and subsequently, after the death of the deceased, it has been altered into 302 IPC.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased are close friends. While consuming liquor, quarrel arose between them. Hence, on a sudden provocation, the petitioner attacked the deceased and he has no motive to attack the deceased. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner attacked the deceased with stone and caused his death. Now, investigation is completed, final report has been filed and the matter is pending for committal. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that in a wordy altercation between the friends, only due to sudden provocation the petitioner has attacked the deceased and investigation is completed, final report has been filed and the matter is pending for committal 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, Coimbatore, 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 report before the Committal Court daily at 10.30 a.m., on all working days 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 petitioners 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/-
02/03/2021

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-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATTUR POLICE STATION,
COIMBATORE CITY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. V.ILLANCHEZIAN Advocate on payment of necessary charges

WEB COPY

CRL OP.3931/2021

Date :02/03/2021

MN-03/03/2021