

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5230 of 2021

VIKKY @ VIGNESH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
D-3 ICE HOUSE POLICE STATION,
CHENNAI.
CR.NO.65 OF 2021.

[RESPONDENT]

For Petitioner : M/S.B.THIYAGARAJAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 304(2) of I.P.C in Crime No.65 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. Totally there are 5 accused in this case and the petitioner herein is A1. The case of the prosecution is that the petitioner and the deceased were working in Chennai Corporation as daily wages and on 26.01.2021 the petitioner and other accused persons along with the deceased consumed liquor and one of the accused accidentally poured liquor on the deceased and another accused by name Mohan while lighting a cigarette, thrown a match stick on him and the deceased sustained burn injuries and he was admitted as outpatient in the hospital. Subsequently septicemia was developed on him and he died on 12.02.2021. Hence, the crime was registered under Section 304(2) of I.P.C.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were friends and the occurrence has taken place when the petitioner and the deceased were consuming liquor and the deceased accidentally got fire and he was admitted in the hospital on 27.01.2021 and due to septicemia he died on 13.02.2021 after 17 days of the date of the occurrence. Hence, he plays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed the anticipatory bail application stating that out of the 5 accused one of the accused is still in jail and the investigation is also pending.

5. Considering the facts and circumstances of the case, and the fact that occurrence had taken place accidentally and the deceased died only after 17 days from the date of incident due to septicemia and the petitioner has no intention to cause death to the deceased, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned II II Metropolitan Magistrate Court, Egmore, Chennai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/03/2021

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-3 ICE HOUSE POLICE STATION,
CHENNAI.

+1 CC to M/S.B.THIYAGARAJAN Advocate on payment of necessary charges SR.NO.3426

CRL OP.5230/2021

Date :16/03/2021

TA-30/03/2021

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