

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5806 of 2021

S.Kannan

... Petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Tiruppur North Police Station,
(Crime No.99 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.99 of 2021 on the file of the respondent police.

For Petitioner : Mr. T.P.Sekar

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 17.01.2021 for the offence punishable under Sections 294 (b), 324, 506(ii) of IPC @ 302 of IPC in Crime No.99 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A3. The case of the prosecution is that all the accused were working as contract labours in the Electricity Board. On 16.01.2021, at about 11.00 p.m., all accused said to have taken sugar cane from closed road side shop, the defacto complainant and the deceased questioned the same. Hence, quarrel arose between them, in which, the petitioner and A2 attacked the injured complainant with a tester and A1 attacked the deceased Ravi with a screwdriver in his stomach and caused injuries. Subsequently, Ravi succumbed to injuries. The petitioner was arrested on 17.01.2021. Now, seeking bail the present petition has been filed.

3. The learned counsel for the petitioner would submit that due to wordy quarrel, out of sudden provocation, the occurrence has taken place. Even as per the First Information Report, A1 only attacked

the deceased and caused injuries. So far as this petitioner is concerned, the petitioner said to have attacked the injured/defacto complainant and caused minor injuries to him. He would further submit that A1 and A2 have also suffered injuries in this occurrence and hence, they have given a complaint, which was registered in Crime No.100 of 2021. The petitioner is in jail from 17.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the accused have taken sugarcane from the road side shop in the midnight, which was questioned by the defacto complainant and the deceased. Due to the same, quarrel arose between them, and the petitioner along with other accused brutally attacked the deceased Ravi and the defacto complainant and caused injuries to them and Ravi succumbed to injuries. Now, investigation is almost completed.

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

6. The occurrence said to have taken place due to the wordy quarrel between the petitioner and the deceased. The accused also said to have suffered injuries in that occurrence and counter case is also pending in Crime No.100 of 2021. So far as this petitioner is concerned, he said to have attacked the injured defacto complainant and caused injuries to him and the main overtact is attributed only against A1.

7. Considering the above said facts and circumstances of the case, and the fact that investigation 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 I, 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 release from the prison, shall report before the respondent police, 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

(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/-
24/03/2021

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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
TIRUPPUR NORTH POLICE STATION,

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.T.P.SEKAR Advocate on payment of necessary charges
SR.NO.3933

CRL OP.5806/2021

Date :24/03/2021

TA-25/03/2021