

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6064 of 2021

1. Vigneshkumar
2. Lawrance

... Petitioners

Vs.

State Rep. by
Inspector of Police,
D-3 Ice House Police Station,
Chennai.
(Crime No.65 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.65 of 2021 on the file of the respondent police.

For Petitioners : M/s. R. Muruga Bharathi

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 304 (2) of IPC in Crime No.65 of 2021, seeks bail.

2. Totally there are 5 accused in this case and the petitioners are arrayed as A3 and A5. The case of the prosecution is that the petitioners and the deceased were working in Chennai Corporation as daily wages. On 26.01.2021 the petitioners 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 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 petitioners would submit that the petitioners and the defacto complainant were friends and the

occurrence has taken place when the petitioners 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 from the date of the occurrence. He would further submit that anticipatory bail was granted to the co-accused. Hence, he prays for bail to the petitioners.

4.The learned Additional Public Prosecutor vehemently opposed the anticipatory bail application stating that the petitioners and the deceased are friends. While consuming alcohol, the occurrence has taken place. Co-accused in this case was already granted anticipatory bail. Now, investigation is almost completed.

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 petitioners have no intention to cause death to the deceased, this court is inclined to grant bail to the petitioner with certain conditions.

6. Considering the above said facts and circumstances of the case and also the fact that co-accused in this case has already been released on bail and investigation is almost completed and also taking note of the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the petitioners is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai, 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 petitioners 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;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners 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/-
26/03/2021

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 II METROPOLITAN MAGISTRATE,
EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges SR NO. 4113

CRL OP.6064/2021

Date :26/03/2021