

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6505 of 2021

B.Mohan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
D-3 Ice House Police Station,
Mylapore, Chennai-600 005.
(Crime No.65 of 2021) Respondent

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

For Petitioner : Mr.A.V.Arun

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 304 (2) of I.P.C., in Crime No.65 of 2021, seeks bail.

2. Totally, there are five accused and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner along with other accused and the deceased were working in Chennai Corporation on daily wages. On 26.01.2021, they have consumed liquor and one of the accused accidentally poured liquor on the deceased and another accused A1 while lighting a cigarette, thrown a match stick on him and the deceased sustained burn injuries, thereby, he was admitted as outpatient in the hospital. Subsequently, septicemia was developed and he died on 12.02.2021. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 08.03.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner and the defacto complainant were friends and the occurrence was taken place when the petitioner along with other accused and the deceased were consuming liquor and the deceased accidentally got fire, thereby he was admitted in the hospital on 27.01.2021. He would submit that due to septicemia, he died on 13.02.2021, after 17 days from the date of occurrence. He would submit that he is an innocent person and he has been falsely implicated in this case. He would submit that the other co-accused was granted anticipatory bail and the other arrested accused were released on bail. He would submit that the petitioner is in jail from 08.03.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has vehemently opposed this petition on the ground that the petitioner along with other accused and the deceased are friends. While consuming alcohol, the occurrence was taken place. She would submit that the other co-accused was granted anticipatory bail and the other arrested accused were released on bail. She would submit that now, the investigation is almost completed and there is no bad antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the occurrence was 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 of deceased, the arrested co-accused were released on bail, investigation is almost completed and also considering the period of incarceration suffered by the petitioner from 08.03.2021, 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 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 petitioner, after his release from prison, shall report before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for interrogation;**

(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.

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

-sd/-
01/04/2021

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,
MYLAPORE,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+2 CC to M/S.A.V.ARUN Advocate on payment of necessary charges
SR.NO.4376

CRL OP.6505/2021

Date :01/04/2021

TA-07/04/2021

<https://hcservices.ecourts.gov.in/hcservices/>