

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10298 of 2021

Peeter @ John Peeter

..Petitioner/2nd Accused

/versus/

State rep.by

The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
(Crime No.160 of 2021)

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.160 of 2021 pending on the file of respondent.

For Petitioners :Mr.S.Sivakumar

For Respondent :Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner/A2, who surrendered before the trial Court on 17.04.2021 for the offence punishable under Sections 294(b), 323, 342, 324, 506(ii) and 302 of IPC in Crime No.160 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.03.2021 the deceased was standing in front of the petty shop for exchanging money. Due to previous enmity a wordy quarrel arose between deceased along with A1. Due to which, the first accused stabbed the deceased on his right rib with scissor and he sustained severe injury and he was taken to hospital and thereafter, he discharged. A case was registered under Sections 294(b), 352, 324, 506(ii) of IPC. Again he was admitted in the hospital and died on 10.04.2021. Immediately, the respondent police has altered for the offence under Sections 294(b), 323, 342, 324, 506(ii) and 302 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the said case. He did not aware of the accused. Due to previous TASMAL issue, the deceased and A1 attacked each other. The deceased got injuries and after taking treatment he was fully cured and discharged from the hospital on 01.04.2021. Thereafter, the deceased consumed alcohol due to which, injury got infection. Due to infection, he died. Further, he would submit that the petitioner is in judicial custody for the past 53 days. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that on 24.03.2021 the deceased was standing in front of the petty shop for exchanging money. Due to previous enmity a wordy quarrel arose between the petitioner along with A1 and the deceased. Due to which, the first accused stabbed the deceased on his right rib with scissor and he sustained severe injury. Immediately, the case was registered under Sections 294(b), 352, 324, 506(ii) of IPC. Thereafter, the injured was taken to the hospital and after taking treatment, he was discharged from the hospital. Again he was admitted in the hospital and died on 10.04.2021. Immediately, the respondent police has altered for the offence under Sections 294(b), 323, 342, 324, 506(ii) and 302 of IPC. Further, he would submit that the first accused already detained under Goondas Act and the investigation is still pending.

5.According to the prosecution, there are totally two accused involved in this case. This petitioner is arrayed as A2. Due to previous enmity, the first accused stabbed the deceased on the right rib with scissor. Immediately, he was taken to the hospital and thereafter, he discharged from the hospital. After discharge, he again consumed alcohol and the injury got infection. Due to the infection, he died. Therefore, there is no specific overtact attributed against this petitioner. Considering the facts and circumstances of the case and considering the fact that the period of incarceration of imprisonment, 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 that the petitioner shall execute their own bond for a sum of Rs.10,000/-(Rupees ten thousand only) before the Superintendent of the concerned prison;

[b]thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/-(Rupees ten thousand only)each, before the concerned Magistrate within a period of fifteen days from lifting of lock down and commencement of regular function of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c]the sureties shall affix their 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.

[d]the petitioner shall report before the respondent police daily at 10.30 a.m., in the morning and 5.00 p.m, in the evening for a period of four weeks and thereafter as and when required for interrogation.

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

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

[g] 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].

[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/-

11/06/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
VOIMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.

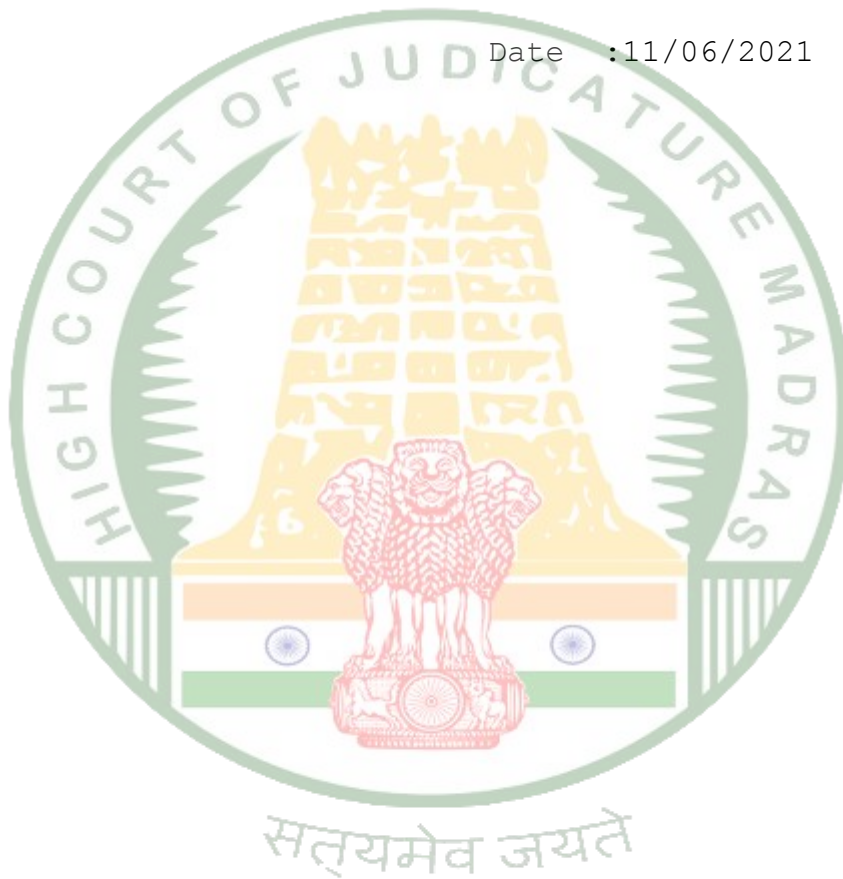
5 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM

CC to M/S S.SIVAKUMAR Advocate on payment of necessary charges
Sr.6450

CRL OP.10298/2021

Date :11/06/2021

RVR 14/06/2021



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