



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

WEB COPY

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10318 of 2021

M.Veerappan

.. Petitioner/Accused

/versus/

State rep.by
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
(Crime No.144 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.144 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Arumugavel

For Respondent : Mr.E.Raj Thilak
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.05.2021 for the offence punishable under Section 174 of Cr.P.C. and later altered into Section 306 of IPC in Crime No.144 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 10.05.2021, when the deceased Mrs.Lakshmi bought drinking water in the way of neighbouring house, due to previous enmity, the petitioner and other neighbouring persons abused and assaulted the deceased and threatened her to commit suicide by herself, otherwise they would kill her and her family members also. Thereby, her heart broken and she consumed poison and she died. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he would submit that the petitioner is in judicial custody from 13.05.2021. Hence, he prays bail to the petitioner.



4.The learned Government Advocate (crl.side) would submit that the deceased and the petitioners are neighbours. On the date of occurrence, the petitioner had abused the deceased with filthy language and there were frequent quarrel between them. On the date of occurrence, the petitioner alleged to have abused the deceased and the deceased unable to bear it, she alleged to have committed suicide. This case was originally registered under Section 174 Cr.P.C and later, altered into Section 306 IPC by the respondent police. Further, he would submit that the investigation is still pending. Further, he would submit that due to short period of incarceration, earlier, this Court dismissed his bail petition in Crl.O.P.No.9602 of 2021 dated 26.05.2021.

5.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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison;

[b]thereafter, the petitioner shall execute two sureties(out of which one shall be blood related surety) 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., 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



[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,
VIKRAVANDI, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VEDAMPATTU,
VILLUPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
KANJANUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to P.ARUMUGAVEL Advocate on payment of necessary charges

CRL OP.10318/2021

Date :11/06/2021

MK:14/06/2021