



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14003 of 2021

C.Dhakshnamoorthy

... Petitioner

Vs.

The State rep by,
The Sub-Inspector of Police,
Kalambur Police Station,
Thiruvanamalai District.
(Crime No.615 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pertaining to Crime No.615 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.K. Venkat

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.07.2021 for the offences under Sections 294(b) and 302 of I.P.C 1860. in Crime No.615 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the deceased is the son of the petitioner. It is alleged that the petitioner assaulted the deceased brutally, due to which the deceased died on the spot itself. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the deceased was taking alcohol at any time and on the date of occurrence the deceased was in a intoxicated state and fell down and died. He further submits that



the petitioner has been jail from 02.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner brutally attacked his own son and caused his death. Hence, he vehemently opposed for grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Arani* and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/08/2021

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,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE SUB-INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.VENKAT Advocate on payment of necessary charges
SR.NO.9299

CRL OP.14003/2021

Date :31/08/2021

CSK 01/09/2021