



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18050 of 2021

1.Amjath Basha
2.Muniyandi

... Petitioners

Vs.

State by:
The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.
(Crime No.980 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in connection with Crime No.980 of 2021 on the file of Arni Town Police Station, Tiruvannamalai District.

For Petitioners : Mr.V.R.Appaswamee

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

The petitioners who were arrested on 12.09.2021 for the offence under Sections 308 and 304(2) of I.P.C. in Crime No.980 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the defacto complainant namely, Priyadharshini has lodged a complaint stating that on 08.09.2021 she along with her family had their dinner at 7 Star Biriyan Hotel, Arni and on the next day morning all of them fell ill and thereafter her daughter died. The petitioners herein are arrayed as A1 and A2 and they are the owner and cook of the Hotel.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted the petitioners maintain quality in the Hotel, however, inadvertently, the incident happened. The learned counsel, on instructions, further submitted that the petitioners without prejudice to their rights, are ready to pay a sum of Rs.10,00,000/- (10 Lakhs) to the defacto complainant namely,



Priyadharshini, as compensation.

4.The learned counsel appearing for the petitioners further submitted that the petitioners are now confined in Central Prison, Vellore, however, in the petition it is mentioned as Sub-Jail, Vandavasi.

5.Heard the submissions made by the learned Government Advocate (Criminal Side).

6.Considering the period of incarceration undergone by the petitioners and the fact that the petitioners without prejudice to their rights, are ready to pay a sum of Rs.10,00,000/- (10 Lakhs) to the defacto complainant namely, Priyadharshini, as compensation, I am inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arni and on further condition that:

(a)the petitioners shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) through demand draft drawn in favour of the defacto complainant, namely, Priyadharshini. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(b)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;

(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 tamper with evidence or witness either during investigation or trial;

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

(f)on breach of any of the aforesaid conditions, the learned 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]***; and;



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

-sd/-

21/10/2021

WEB COPY

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,
ARNI, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, VANDAVASI.

Copy To:

THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 CC to M/S. V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.11522

CRL OP.18050/2021

Date :21/10/2021

TA-21/10/2021