



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19401 of 2021

Pugazh @ Pugazhenth

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Tharamangalam Police Station,
Omalur Taluk,
Salem District.
(Crime No.505 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.505 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Arunkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.09.2021 for the offences under Section 306 of IPC, in Crime No.505 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was going in two wheeler near Sasikala Medical situated near Mecheri Bus stand, in front of the said deceased, the petitioner was going two wheeler, at that time, the two wheeler of the deceased hit against the two wheeler of the petitioner, there was a wordy quarrel, the petitioner had abused the deceased in filthy language in the presence of the public, due to such reason, the deceased had committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submitted that on the date of occurrence, the deceased had abused the petitioner in filthy language and the first remand period is over. He also further submitted that the petitioner has been in jail from 26.09.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that initially the case was registered under Section 174 Cr.P.C, it was altered into Section 306 of IPC. He further submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against 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, Omalur, Salem District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate, Omalur, Salem District, may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall stay at Madurai and report before the Inspector of Police, K.Pudhur Police Station, daily at 10.00 a.m., until further orders and the petitioner shall not enter into the jurisdiction of the respondent police.

(c) the petitioner shall not influence, threaten or coerce the 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



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

WEB COPY

-sd/-
12/10/2021

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
OMALUR TALUK,
SALEM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, AATHOOR.

6 THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION,
MADURAI.

+2 CC to M/S.C.ARUNKUMAR Advocate on payment of necessary charges SR.NO.11376

CRL OP.19401/2021

Date :12/10/2021

TA-13/10/2021