



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.21407 of 2021

GOVINDARASU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
PENNADAM, CUDDALORE DISTRICT.
CRIME NO.327 OF 2021

[RESPONDENT]

For Petitioner : M/S.D.ARUN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences under Sections 294(b), 323 altered into 304 (ii) in Crime No.327 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, there was wordy quarrel between the petitioner's family and one Velmurugan for usage of common pathway. At that time, the de-facto complainant/Ramasamy had made an attempt to comprise the said Velmurugan and the petitioner, but the petitioner pushed the de-facto complainant/Ramasamy, due to that, he sustained injuries. Further, the defacto complainant was admitted in the hospital for 21 days and thereafter, discharged from the Hospital, for which, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that, the de-facto complainant/Ramasamy and his family members alone are the aggressor. There was a dispute between the defacto complainant and the petitioner herein. Subsequently, on 09.10.2021, the said Velmurugan and his family members picked up quarrel with the



petitioner using filthy language and assaulted the petitioner and his wife. All of a sudden, the defacto complainant sustained injuries at his hip. On 10.10.2021, the defacto complainant was admitted in the hospital and he undergone treatment for two weeks. Thereafter, he was discharged on 18.10.2021. After hiatus of 12 days, the defacto complainant died by illness. The death is due to illness not because of the petitioner. Further, he submits that the petitioner is aged about 55 years and he submits that, he is an innocent. Hence, the petitioner did not commit any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) raised objection but admits that, the FIR was registered and subsequently the Sections were altered from 323 into 304 (ii) of IPC. Further, he submits that the deceased was admitted and discharged from hospital. The investigation is almost completed.

5. Considering the nature of the allegation that, at the time of incident, there was no arrest was made against the petitioner and it is also admitted by the prosecution that, the deceased admitted in the hospital on various occasions. Thereafter, charges were altered from 323 into 304 (ii) of I.P.C against the petitioner. The investigation is almost completed. This Court is inclined to grant anticipatory bail to the petitioner.

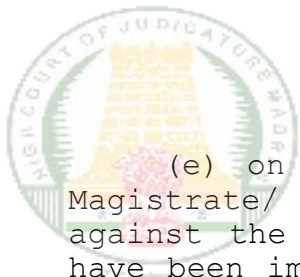
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thittakudi, Cuddalore District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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/-

16/11/2021

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 COURT
THITTAKUDI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION, PENNADAM,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.NO.12817

CRL OP.21407/2021

Date :16/11/2021

RVR 18/11/2021