



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24412 of 2021

Dilipkumar

...Petitioner

Vs.

State by :-

The Inspector of Police
Kandhikuppam Police Station
Krishnagiri District.
(Crime No.325 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.325 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.10.2021 for the offence under Sections 174 Cr.P.C altered to Section 302 of IPC, in Crime No.325 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.10.2021, the deceased was found dead in a Well. Initially the case was registered under Section 174 Cr.P.C. During investigation, it was found that the deceased and the petitioner along with other friends, while consuming alcohol near the Well, there was a wordy quarrel due to which, the petitioner pushed the deceased into the well. Hence, the case was altered into Section 302 IPC.



3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. The deceased had accidentally fell into the Well and the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 28.10.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that on the date of occurrence, the petitioner accompanied the deceased and in a drunken mood out of wordy quarrel, he pushed the deceased into the Well but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, 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-I, Krishnagiri, and on further conditions 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 on every Tuesday and Sunday 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.

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-sd/-

15/12/2021

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,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.24412/2021

Date :15/12/2021

RW 16/12/2021