



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

CrI.O.P.No.25492 of 2021

Muthukumar

... Petitioner

Vs.

State represented by
Inspector of Police
Mecheri Police Station
Salem District
Crime No.551 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the Crime No.551 of 2021 pending on file of the respondent police.

For Petitioner : M/S.R.Nalliyappan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.10.2021 for the offences under Sections 307 altered to 307 and 302 of IPC in Crime No.551 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant was having land dispute and to resolve the issue, a Panchayat was convened on 17.10.2021 at the house of one Kasiviswanathan and when the de facto complainant was proceeding in a motor cycle along with one Mani to attend the Panchayat, the petitioner who came in a motor cycle, kicked the de facto complainant's motor cycle due to that, they fell down and sustained with injuries. Later, the said Mani died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that on the date of occurrence, the defacto complainant tried to over take the petitioner's vehicle in high speed due to which, he lost his balance and fell down during which, the deceased Mani hit against a milestone and that the petitioner is no way connected with the alleged offence. He would further submit that this is the second application for bail and that the petitioner has been suffering incarceration for about 67 days from 17.10.2021 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 petitioner kicked the motor cycle of the defacto complainant, due to which, the deceased sustained fatal injuries and succumbed to death but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone 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-II, Mettur 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 stay at Pazhani and report before the Town Police Station daily at 10.30 a.m., for a period of two months 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/-
23/12/2021

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.II, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, PAZHANI.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO.15423

CRL OP.25492/2021

Date :23/12/2021

JPA 23/12/2021