



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Cr1.O.P.No.118 of 2022

Chitti Babu @ JayaMurugan

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Bagayam Police Station,
Vellore District.
(Crime No.398 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.398 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Anbu

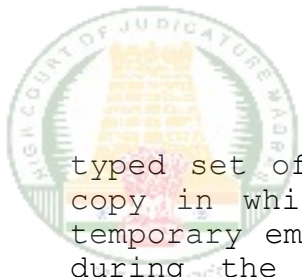
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offences under Sections 341, 294(b), 323, 324, 506(ii), 147, 148 of IPC altered into 341, 294(b), 323, 324, 506(ii), 147, 148 and 302 of IPC in Crime No.398 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the deceased, due to which, the petitioner and other accused persons assaulted the deceased with wooden log, thereby the deceased sustained fatal injuries, later, he was hospitalized and subsequently died in the hospital. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits he has been suffering incarceration for 60 days from 09.11.2021. He further submitted that he produced the additional



typed set of papers, in which he enclosed the copy of FIR and Photo copy in which, it is stated that the petitioner was working as a temporary employee in the Tamil Nadu Electricity Board, on 19.09.2020 during the course of the regular work he attempted to cut the electricity connection, at that time he got electrocuted and sustained burnt injuries and till he continues his treatment. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner along with others attacked the deceased due to which, he had sustained fatal injuries and succumbed to injuries. He further submits that the investigation was almost completed.

5. A perusal of the additional typed set of papers submitted by the learned counsel for the petitioner reveals that the petitioner got electrocuted and took treatment in the hospital. He further submits that he also produced the FIR and photo copies of the treatment.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate - I, Vellore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;



[g] 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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/01/2022

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, VELLORE.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPADI.

4 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.R.THANGAVEL Advocate on payment of necessary
charges SR.NO.494

CRL OP.118/2022

Date :11/01/2022

RW 12/01/2022