



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

Crl.O.P.No.565 of 2022

Sakthivel

... Petitioner

Vs.

The State Represented by
The Sub-Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.1102 of 2021 on the file of the respondent police.

For petitioner : Mr.E.Sathiyaraj

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 31.12.2021 for the offences under Section 304(ii) of IPC, in Crime No.1102 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.12.2021, the deceased was harvest of paddy reaping in the land of one Karuna in Thiruchoor and the petitioner was driven the harvested machine on the said field. Further, the said deceased was putting a paddy bundle in the harvesting machine, while so, the deceased 's sarees was stuck in the machine. Thereafter, the deceased was sustained injuries and she was taken for treatment to the hospital, later she was died on the way to the hospital. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the petitioner is a driver of the harvest machine. He would further submit that the petitioner has been suffering incarceration from 31.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of bail to the petitioner.

5. 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 certain conditions.

(a) Accordingly, 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Polur, Tiruvannamalai District, 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 learned 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 Wednesday at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;



(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. In view of the above, this Criminal Original Petition is ordered and also seeing the nature of the death faced by the deceased and considering the nature of the family situation, however, it is seen that the this Court recommends that it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Tiruvannamalai District, is hereby directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) as interim compensation to the defacto complainant, in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.

-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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, POLUR, TIRUVANNAMALAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

7 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

+1 CC to M/S. SATHIYARAJ E. Advocate on payment of necessary
charges SR.NO.513

CRL OP.565/2022

Date :11/01/2022

JPA 12/01/2022