



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.869 of 2022

Suresh Kumar

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Pallikonda Police Station
Vellore District
(Crime No.269 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.269 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offences under Section 174 IPC and later altered to 294(b), 302 IPC in Crime No.269 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's mother while passing through her agricultural field she felt down accidentally and sustained injuries and died. On suspicion, the defacto complainant filed the case against the petitioner. 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 that the petitioner was suffering incarceration for 64 days from 09.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the defacto complainant is elder brother of the petitioner and the deceased is the mother of the defacto complainant and the petitioner and that the petitioner annoyed deceased in respect of house property and that on 06.09.2021 the petitioner scolded filthy words and attacked his mother by using wooden log on right side and also the petitioner hurdled hollow block stone on head of the deceased, due to which, she died. He further submits that the petitioner is the sole accused and the petitioner has no previous case and the investigation almost completed.

5. Considering the facts and circumstances of the case and also the fact 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 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-V, Vellore 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 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 daily at 05.00 p.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.

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-sd/-
12/01/2022

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-V,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLKONDA POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
VELLORE CENTRAL PRISON, THORAPADI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges SR.No.596

CRL OP.869/2022

Date :12/01/2022

CSK 19/01/2022