



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Crl.O.P.No.1985 of 2022

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Jebakumar @ Kumar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
(Crime No. 666 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. 666 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.G.Balamanikandan

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.12.2021 for the offences under Sections 174 Cr.P.C @ 304 of IPC, in Crime No. 666 of 2021,on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the father of the petitioner. The petitioner's father was in the habit of quarreling with the mother of the petitioner by suspecting her character. While so, on 11.12.2021 the petitioner's father was quarreling with his mother. Hence, the petitioner prevented his father during which, the father of the petitioner fell down and sustained injuries. Immediately, he was taken to hospital and thereafter, on 15.12.2021 he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner only prevented his deceased father from quarreling with his mother. Unfortunately,he fell down and sustained injuries and later succumbed to the injuries and that the petitioner had no intention to kill his father.He would submit that the petitioner has been suffering incarceration for more than 45 days from 16.12.2021 and would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objections stating that on the date of occurrence, during a family dispute, the petitioner pushed his father due to which, he fell down and sustained injuries on his head and subsequently died in the hospital.

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5. It is seen that out of wordy quarrel during a family dispute, the occurrence had happened. Considering the fact above facts and circumstances of the case and 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.

(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) each, before the Learned Judicial Magistrate, Sriperumbudur, 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 report before the respondent police on every Monday and Sunday at 10.30 a.m. until further orders. The petitioner shall not stay in the house of the defacto complainant atleast for six months.

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

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

(g) the petitioner 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. With the above directions, this Criminal Original Petition is ordered.

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-sd/-

31/01/2022

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,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ORAGADAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S. G. BALAMANIKANDAN Advocate on payment of necessary charges Sr.1453

CRL OP.1985/2022

Date : 31/01/2022

RVR 01/02/2022