



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.1936 of 2022

Arumugam

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Kandili Police Station,
Thiruppathur District.
(Crime No. 341 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. 341 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.E.Kannadasan

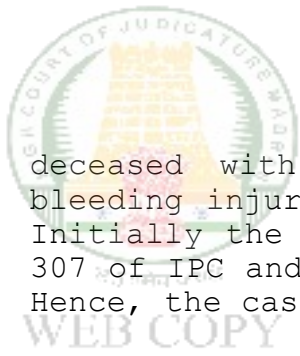
For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.11.2021 for the offences under Sections 294(b), 307 of IPC subsequently altered into 294(b), 302 of IPC, in Crime No. 341 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the petitioner are neighbours. On 16.11.2021, due to heavy rain, the rain water went to the petitioner's house and hence, he tried to dig the speed break. On seeing the same, the defacto complainant prevented him from digging the speed break as the rain water will cause damage to his house. But the petitioner did not heed to his words and therefore, there was a quarrel arose between them. In continuation of the same, on 18.11.2021, again the petitioner tried to dig the speed break with crow bar. On seeing the same the defacto complainant's father went to prevent the petitioner during which, there was a quarrel between them. At that time, the petitioner attacked the



deceased with crowbar on his chest due to which, he sustained bleeding injury on his chest. Immediately he was taken to hospital. Initially the case was registered for offence under Sections 294(b), 307 of IPC and during the course of treatment, he died on 24.12.2021. Hence, the case was altered to Sections 294(b), 302 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. On the date of occurrence, the deceased was already fell ill and subsequently, he died and that the petitioner was not the reason for the death of the deceased and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 80 days from 19.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is the sole accused and out of wordy quarrel, the occurrence had happened but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that the petitioner is the sole accused 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-II, Thiruppathur, 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 Tuesday 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 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.

-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,
NO.II, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
THIRUPPATHUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1936/2022

Date :31/01/2022

CSK 01/02/2022