



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Cr1.O.P.No.2255 of 2022

WEB COPY

1.Senthil @ Senthilkumaran
2.Sridhar

...Petitioners

Vs.

State by
The Inspector of Police,
Sadras Police Station,
Chengalpatu District.
(Crime No. 396 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 396 of 2021 on the file of the Respondent police.

For Petitioners : Mr.S.Vellidoss

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

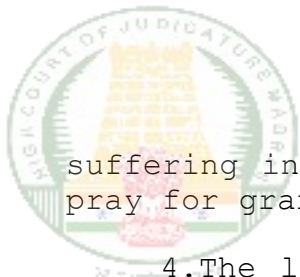
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 19.12.2021 for the offences under Sections 294(b), 323, 448, 427, 506(i) of IPC altered 302 of IPC in Crime No. 396 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the date of the occurrence the petitioners went to the tailor shop of he deceased for repairing zip of the bag of the petitioners regarding which a wordy quarrel arose between them during which, the petitioners assaulted the deceased with hands due to which, the deceased sustained injury and thereafter, he was admitted in the hospital and subsequently, he died after 4 days. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the out of wordy quarrel the occurrence had happened and during the melee, the deceased fell down and sustained injuries and subsequently died and that they petitioners did not use any weapon and theres is no motive or intention for the petitioners to cause the death of the deceased. He would further submit that the petitioners have been



suffering incarceration for 45 days from 19.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that there was a quarrel between the petitioners and the deceased in respect of stitching zip in the bag and at the time of occurrence, the petitioners were in a drunken mood and they attacked the deceased due to which, he sustained injuries and admitted in the hospital and after 4 days, he died. Initially, the case was registered for offence under Section 506(i) and after the death of the deceased, it was altered to Section 302 IPC but admits that the charge sheet has been filed and the same has been taken on file in PRC No.1 of 2022.

5. Considering the above facts and circumstances of the case and the fact that the charge sheet has been filed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Thirukalukundram, 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 petitioners shall report before the respondent police on every Sunday at 10.30 a.m. until further orders except on Court hearings and they shall also appear before the trial Court on all hearings without fail.

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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. It is seen that the deceased who was helping their poor family by doing a small business of tailoring work died leaving his mother and family members due to the assault made by the accused. Hence, 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, Chengalpattu District, is hereby directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the victim's family as interim compensation in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/02/2022

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,
THIRUKALUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE JAILER, DISTRICT JAIL,
CHENGALATTU

6 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
CHENGALPATTU.

7 THE CHAIRMAN, LEGAL SERVICES
AUTHORITY, CHENGALPATTU

8 THE SECRETARY,
LEGAL SERVICES AUTHORITY, CHENGALPATTU

9 THE LEGAL SERVICES AUTHORITY,
CHENGALATTU

CC to M/S S.VELLIDOSS Advocate on payment of necessary charges
Sr.1636

CRL OP.2255/2022

Date :02/02/2022

RVR 03/02/2022