



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2573 of 2022

S.Munusami

... Petitioner

Vs.

The Inspector of Police,
R-3 Ashok Nagar Police Station,
Chennai-600 083
(Crime No.10 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge them on bail now pending investigation in R-3 ASHOK NAGAR PS in Cr.No.10 of 2022 on the file of the Inspector of Police, R-3 ASHOK NAGAR PS Chennai Police.

For Petitioner : Mr.Adithya Varadarajan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.01.2022 for the offences under Sections 323 and 506(ii) of IPC and altered into 304 (ii) of I.P.C in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the husband of the petitioner's sister. On the date of occurrence, there was a quarrel occurred between the petitioner and the deceased, during which, the petitioner assaulted the deceased and pushed him down, following the same, the deceased sustained head injury and was admitted in the hospital and on 13.01.2022, he died. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 20 days from 12.01.2022. Hence, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl.Side) raised objection stating that the deceased is the husband of the petitioner's sister. On the date of occurrence, there was a quarrel occurred between the petitioner and the deceased, during which, the petitioner assaulted the deceased and pushed him down, following the same, the deceased sustained head injury and was admitted in the hospital and on 13.01.2022, he died. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Metropolitan Magistrate-XVII, Saidapet, Chennai 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 report before the respondent police on every Tuesday and Saturday at 10.30 a.m. until further orders;

(f)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(h)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;



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

WEB COPY

-sd/-

04/02/2022

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
R-3, ASHOK NAGAR POLICE STATION,
CHENNAI 600 083

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

CC to M/S.ADITHYA VARADARAJAN Advocate on payment of necessary charges Sr.1914

CRL OP.2573/2022

Date :04/02/2022

RVR 07/02/2022