



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13454 of 2022

R.Malayandi

..Petitioner/sole accused

Vs.

The State rep. by
The Inspector of Police,
Madhavaram Police Station,
Madhavaram,
Chennai
crime No.369 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.369 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2022 for the offence punishable under Sections 294(b), 323 and 307 of IPC altered into Sections 294(b), 302 of IPC in crime No.369 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that there was a wordy quarrel since the petitioner delayed to reach Madhavaram and the deceased used some filthy languages due to angry. Therefore, the petitioner got annoyed and assaulted the deceased and the deceased also attacked the petitioner. The defacto complainant i.e. Muthupandi intervened and tried to pacify to solve the fight and took the deceased to the hotel for taking dinner. The petitioner got much angry and went to the hotel with iron rod and attacked on the back head of the deceased and the deceased fell down on the table and got injuries on head also and there was a heavy bleeding. The defacto



complainant called the ambulance and the deceased was taken to the hospital. The respondent police received the information on 26.03.2022 at 5.00 a.m. and recorded the statement from the defacto complainant and registered the case for the offences under Sections 294(b), 323, 307 of IPC. The next day, the victim succumbed to death. Therefore, F.I.R. was altered by adding Section 302 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that on the occurrence day, the deceased was attacked by the petitioner with iron rod on head and sustained grievous injuries and thereafter he was admitted in the hospital. However, the next day, he died. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner is the sole accused. The petitioner is a lorry driver. When the deceased was in drunken mood, he provoked the petitioner by using filthy language. All the drivers faced mental agony due to bad words used by the petitioner and the same was informed to the Transports owner since the deceased used to come with the influence of alcohol and daily attended duty in intoxication mood and used to abuse the drivers. Therefore, the deceased was attacked by the petitioner with iron rod and immediately, he was admitted into the hospital. Immediately, the respondent registered case for the offence under Sections 294(b), 323, 307 of IPC. Next day, he died due to injuries sustained by him and the respondent altered the offence by including Section 302 of IPC.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from 26.03.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate Court, Madhavaram, Chennai and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM,
CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
MADHAVARAM POLICE STATION,
MADHAVARAM, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.NAGARAJAN Advocate on payment of necessary
charges SR.NO. 8998

CRL OP.13454/2022

Date :13/06/2022

RW-14/06/2022