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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

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

Cr1.OP.No.15053 of 2022

Naveenkumar @ Naveen

..Petitioner/A1

Vs.

State by,
The Inspector of Police,
Pradharami Police Station,
Vellore District
crime No.89 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.89 of 2022 on the file of the respondent police.

For Petitioner : Mr.B.Lenin Balu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2022 for the offence punishable under Section 174 of Cr.P.C. altered into Section 306 of IPC in crime No.89 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the deceased, A1 and A2 had alcohol together in a place near Maari Brick Kiln. After that, A1 went to his house and was sleeping with his wife. At about 9.00 p.m., A2, deceased and another were laughing loudly outside his house. On hearing the noise, A1 came out of the house, at that time the deceased was explaining to another that A1 and his wife were having sex in their house. Therefore, A1 attacked the deceased and deceased escaped from the spot. Thereafter, the deceased committed suicide. Hence, the case.



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.

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally three accused, in which the petitioner is arrayed as A1. A1, A2 along with deceased went for consuming alcohol. Thereafter, the petitioner went to his house. On hearing some noise outside his house, he came outside and there was a wordy quarrel. At that time, the petitioner assaulted the deceased. After two days on 22.05.2022, the deceased committed suicide by hanging himself.

5. It is seen that initially case has been registered under Section 174 of Cr.P.C. and thereafter altered into offence under Section 306 of IPC. Even according to the case of the prosecution, the first accused quarrelled with the deceased on 20.05.2022 and assaulted him. After period of two days, the deceased committed suicide. Therefore, soon before his death, there was no instigation by the petitioner to commit suicide by the deceased.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 31.05.2022, 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 learned Judicial Magistrate, Gudiyattam, Vellore District 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 stay at Perambalur and report before the Inspector of Police, Perambalur Police Station, Perambalur daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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]**.

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

-sd/-

30/06/2022

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 JUDICIAL MAGISTRATE,
GUDIYATTAM, VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PRADHARAMI POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

6 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.

+1 CC to M/S.B.LENIN BALU Advocate on payment of necessary charges SR.NO.10346

CRL OP.15053/2022

Date :30/06/2022

TA-30/06/2022