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CrI.OP.No.15697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

CrI.OP.No.15697 of 2022

Natarajan

..Petitioner/ A2

Vs.

State Rep by

S.H.O,

Oomangalam Police Station,

Cuddalore District 606 001

crime No.201 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.201 of 2022 pending  
investigation on the file of the respondent police.

For Petitioner : Mr.N.U.Pressanna

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial  
custody on 29.04.2022 for the offences punishable under Sections



Crl.OP.No.15697 of 2022

294(b), 114 & 302 of IPC in crime No.201 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the defacto complainant's younger sister/deceased was married to A1 and they have two children. A1, after losing his job at Kerala because of his addiction to alcohol, returned to native place. While being so, he became a friend of A2 and both started frequently consuming alcohol together. At one stage, A1 started harassing the deceased asking money and also forced her to ask her father in law to settle the house in his favour. On 14.03.2022 around 11.30 p.m., A1 returned to home with A2 and started quarrelling. At that time, A2 picked up a wooden stick and gave to A1 to beat her, by which A1 beat the deceased, thereby she sustained injuries and died on 17.03.2022. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that except the allegation that the



CrI.OP.No.15697 of 2022

petitioner picked up a wooden stick and gave to A1, no other allegations are there. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally two accused, in which the petitioner is arrayed as A2. During a wordy quarrel between A1 and the deceased, A2 gave a wooden stick to A1, thereby A1 assaulted the deceased. Though she sustained head injury, she was not allowed to go to hospital and she was confined by A1 and A2 for three days. Subsequently, she died after three days. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that however the petitioner helped A1 by providing wooden log to attack the deceased and also scolded the deceased with filthy language. Considering the above facts and circumstances of the case and also the period of incarceration, 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



CrI.OP.No.15697 of 2022

satisfaction of the learned District Munsif cum Judicial Magistrate, Neyveli 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 Dharmapuri and report before the Inspector of Police, B1 Town Police Station, Dharmapuri 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. 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]**.



Crl.OP.No.15697 of 2022

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

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**G.K.ILANTHIRAIYAN, J.**

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To

- 1.The learned District Munsif cum Judicial Magistrate,  
Neyveli
- 2.S.H.O,  
Oomangalam Police Station,  
Cuddalore District 606 001
- 3.Central Prison  
Cuddalore
- 4.The Public Prosecutor,  
High Court of Madras

CrI.O.P.No.15697 of 2022

07.07.2022