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Crl.O.P.No.21616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21616 of 2022

1. Sugumaran Govindhan
2. Maran Sugumaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
V-7, Nolambur Police Station,
Nolambur, Chennai-600 095.
Crime No.335 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused-1 & 2 on bail pending
investigation in Crime No.335 of 2022 on the file of the Inspector of Police,
V-7, Nolambur Police Station, Nolambur, Chennai-600 095.

For Petitioners : Mr.K.Kannan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



CrI.O.P.No.21616 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.08.2022 for the offences punishable under Section 174 of Cr.P.C. @ 302 of IPC, in Crime No.335 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Vanitha is that her brother, who is a call taxi driver was found in unconscious stage and that nearby people had taken him in an ambulance to the hospital and later he was reported brought dead. Based on the complaint given by the defacto complainant, a case under Section 174 of Cr.P.C., was registered by the respondent police. During the course of investigation, it was found that the petitioners, on account of a quarrel due to parking of car, have indiscriminately assaulted the defacto complainant's brother, due to which, he sustained injuries and passed away. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that even as per the complaint, the defacto complainant's brother, the victim was found in inebriated condition and someone had assaulted him and he



Crl.O.P.No.21616 of 2022

died. Moreover, even as per the case of the prosecution, no weapon was used in the occurrence. He would also submit that even assuming for a moment without accepting the case of the prosecution, even if the facts are taken to be true, there was no motive on the part of the petitioners to commit the murder of the victim. He would further submit that the 1st petitioner is a senior citizen aged about 67 years and the 2nd petitioner is the son of the 1st petitioner and they have no bad antecedence. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners are the father and son. On account of a dispute with regard to parking in a flat, the petitioners had assaulted the victim with hands and legs resulting in him sustaining grievous injuries and he was declared dead when he was brought to the hospital. He would also submit that there are no previous case pending as against the petitioners and the entire episode has also been recorded in the CCTV Footage available in the flat. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials



CrI.O.P.No.21616 of 2022

available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that no weapon has been used and also the period of incarceration suffered by the petitioners and the 1st petitioner is 67 years old, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambattur**, 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 petitioners shall stay at **Krishnagiri** and report before the **Inspector of Police, SIPCOT Police Station, Krishnagiri** daily at **10.30 a.m.**, and



CrI.O.P.No.21616 of 2022

05.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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]**;

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

23.09.2022

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Crl.O.P.No.21616 of 2022

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To

1. The Judicial Magistrate, Ambattur.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Nolambur, Chennai-600 095.
3. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri.
4. The Superintendent,
Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21616 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.21616 of 2022

23.09.2022