



Crl.OP.No.24302 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

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1. M. Nandagopal,
S/o. Masilamani

2. Ganesh,
S/o. Rajendran

3. Naresh Kumar,
S/o. M.Nandagopal

... Petitioners

Vs.

State rep. By,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.342/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioners on bail in Crime No.342 of 2022 pending
investigation on the file of the Respondent.



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For Petitioners : Mr.V.Rajamohan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

The Petitioners, who were arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 147 and 323 I.P.C. altered into Sections 147, 323, 448, 506(i) r/w Sec.309 I.P.C. and altered into Sections 147, 323, 448, 506(i) r/w Section 306 I.P.C. in Crime No.342 of 2022 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that the defacto complainant, now deceased was working as driver under the 1st petitioner and acting as a driver for a load vehicle bearing Regn. No.TN-22-BP-5779, 407, which is also owned by 1st petitioner. the 2nd petitioner is sister son of 1st petitioner and 3rd petitioner is the son of 1st petitioner. When the 1st petitioner along with his family went out of station, without their knowledge, the petitioners took the vehicle with drunken mood and damaged the said vehicle. On hearing about the accident, the petitioners questioned the defacto



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complainant and to give proper compensation for the same, but he has not given proper reply, besides, he abused the petitioners in filthy language. However, the defacto complainant lodged the present complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that both the petitioners and the defacto complainant attended enquiry on 14.09.2022 and the respondent police came to understand that there is no fault on the petitioners, but even then, again when the petitioners were called for enquiry, they have immediately rushed to police station and to their shock and surprise, they were informed by the respondent police that he pored kerosene and set fired himself with full drunken mood at the respondent police station for the reason best known to him and subsequently, he died on 19.09.2022. Hence, subsequently, the offence was altered into Sec.147, 323, 448, 506(i) r/w Sec.306 I.P.C. Therefore, he prays for grant of bail to the Petitioners.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the defacto complainant working as driver under the 1st petitioner and he met with an accident, for which, the 1st petitioner retained his salary. On 13.09.2022, when the defacto complainant demanded his salary, the petitioners along with other accused abused him in filthy language and assaulted him. In this connection, the defacto complainant lodged the complaint on 14.09.2022 at 06.30 p.m. and a case was registered in Crime No. 342 of 2022 under Sec.147 and 323 I.P.C. While so, on the same day at about 09.50 p.m., the defacto complainant came to police station and set ablaze by pouring kerosene. Immediately, he was admitted to the hospital, wherein he gave statement that when he demanded his salary for 50 days, from the 1st petitioner/owner, he along with his relatives attacked him in front of his wife and due to the mental torture, he had committed suicide. Subsequently, he died on 14.09.2022 and thereafter, the offence was altered into Sec.147, 323, 448, 506(i) r/w Sec.306 I.P.C. Hence, he vehemently opposed to grant bail to the Petitioners.



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5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;



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(b) the petitioners shall co-operate with the pending investigation and report before the Inspector of Police, F-5 Choolaimedu Police Station, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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

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To

1. The learned XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai.
3. The Sub-Jail,
Saidapet, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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