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Crl.O.P.No.26885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26885 of 2022

J.Sathasivam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erode North Police Station,
Erode.

(Crime No.428/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.428
of 2022 pending investigation on the file of the respondent Police.

For Petitioner

: Mr.K.M.Subheramaniam

For Respondent

: Mr.C.E.Pratap

Government Advocate (Crl.Side)



Crl.O.P.No.26885 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.09.2022, for the offences punishable under Sections 294(b), 323 and 506(ii) IPC @ 302 IPC in Crime No.428 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that her husband/victim is a agricultural coolie and on 16.09.2022, when the victim went to petitioner's garden to receive wages, there was a dispute between them with regard to the wages and the petitioner has abused him for taking the spade and thereafter kicked him on his stomach repeatedly. Due to the severe pain in the stomach, the victim went to the hospital on 19.09.2022 and admitted for treatment and where the victim had died without responding to the treatment. Based on the complaint given by the de-facto complainant, wife of the victim, the present case has been registered. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given



Crl.O.P.No.26885 of 2022

as against him. He would further submit that the de-facto complainant's husband had committed theft of a spade from the petitioner's farm and due to which, there was a quarrel and an altercation between them and he has left. He would also submit that the victim has admitted in the hospital after 3 days on 19.09.2022 and died, due to which a complaint has been lodged as against the petitioner as if he had assaulted the victim. He would also submit that the victim had already undergone a surgery and he died due to the complications in surgery. He would also state that even as per the allegation in the First Information Report no weapons have been used and there is no intention or motive on the part of the petitioner to commit murder of the victim. He would also submit the petitioner was arrested on 19.09.2022 and remanded to judicial custody on 22.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit on account of the dispute regarding the payment of wages, the petitioner has kicked the husband of the de-facto complainant in his stomach resulting in him sustaining internal injuries. He would further submit that he was taken to hospital after three days and he



Crl.O.P.No.26885 of 2022

died without responding to the treatment and he also submit that the deceased has already undergone appendicitis surgery few days prior to the occurrence. He would further state that there is no previous case as against the petitioner. However, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a 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 I, Erode District** and on further conditions that:



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Crl.O.P.No.26885 of 2022

[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 Chennai and report before the Inspector of Police, F 2 Egmore Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police everyday at 10.30 a.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.O.P.No.26885 of 2022

WEB COPY

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

04.11.2022

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To

1. The Judicial Magistrate No.I,
Erode.
2. The Inspector of Police,
Erode North Police Station,
Erode.
3. The Sub Jail,
Erode.
4. The Inspector of Police,
F2 Egmore Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26885 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26885 of 2022

04.11.2022