



Crl.O.P.No.29722 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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

Crl.O.P.No.29722 of 2022

Shanmugam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pennadam Police Station,
Cuddalore District.

(Crime No.529 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.529 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Velmurugan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.10.2022, for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC r/w 4 of TNPWH Act @ 294(b), 323, 506(ii) & 302 IPC r/w 4 of TNPWH Act, in Crime No.529 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.09.2022, due to money dispute, the petitioner have trespassed into the house of the de-facto complainant and assaulted the mother of the de-facto complainant, resulting in her sustaining injuries, due to which, a case in Crime No.529 of 2022 was registered for the offence under Sections 294(b), 323, 324, 506(ii) IPC r/w 4 of TNPWH Act. Later, without responding to the treatment, the de-facto complainant's mother died on 05.10.2022, thereby, the offence has been altered one under Sections 294(b), 323, 506(ii) & 302 IPC r/w 4 of TNPWH Act. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that this is the second bail application before this Court and this Court had earlier dismissed the bail application in Crl.O.P.No.27222 of 2022 dated 11.11.2022 on the ground that the petitioner was arrested only on 05.10.2022 and the investigation is only at a nascent stage. He further submitted that a false case has been foisted as against him due to the money dispute. He also submitted that the deceased was already suffering from kidney failure and due to which, she died on 05.10.2022. He also stated that even as per the prosecution, the petitioner is stated to have assaulted the deceased with pipe on her hand and the injury caused to her is simple in nature. He also submitted that the petitioner is in custody from 05.10.2022 and he is ready to abide by any stringent conditions that may be imposed on him and hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that this is the second bail application of the petitioner before this Court and it is the case where the petitioner have assaulted the 83 year old lady due to the money dispute and caused grievous injuries, due to



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which, she was admitted in the hospital and unfortunately, died on 05.10.2022, without responding to the treatment. He further submitted that the major part of the investigation is over and hence, 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.

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, Thittakudi**, and on further conditions that:



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[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 Trichy and report before the Inspector of Police, Cantonment 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]**;



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

01.12.2022

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To

1. The Judicial Magistrate,
Thittakudi.
2. The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Inspector of Police,
Cantonment Police Station,
Trichy.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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