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CrI.O.P.No.29272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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

CrI.O.P.No.29272 of 2022

Sathiyaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Negamam Police Station.
Coimbatore District.

(Crime No.293/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.293
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Ponraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2022 in Crime No.293 of 2022 registered under Section 174 Cr.P.C., and altered to the offences punishable under Sections 302 & 304(2) IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Poovathal is that on 05.09.2022, one Manokaran, who is the friend of her husband had come to her house and he along with her husband consumed liquor, which was brought by the said Manokaran and after some time, both of them fell down and the *de-facto* complainant had taken them to the Covai Medical Centre Hospital, where both of them passed away and immediately, the *de-facto* complainant had secured the liquor bottle, plastic tumblers and cool drinks which were used by the deceased and given a complaint. Based on her complaint, a case in Crime No.293 of 2022 was registered under Section 174 Cr.P.C and later, during the course of investigation, it was found that the son -in-law of the deceased Manokaran, in order to wreak vengeance, had given the liquor bottle poisoned by cyanide. Thereafter, the



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case has been altered to one under Sections 302 & 304(2) IPC. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, who is none other than the son-in-law of the deceased Manokaran, is an innocent person and he has been falsely implicated in this case. He further stated that the petitioner fell in love with the daughter of the deceased Manokaran and married her against the wishes of her family and to wreak vengeance the de-facto complainant has implicated the petitioner in this offence. He further submitted that the family members of the deceased Manokaran were antagonized with him, since he sold the property with out the knowledge of his family members and spent the entire money for himself and due to which, there was a dispute between the family members and in order to shift the blame on the petitioner, this case has been registered as against him. He also stated that though, the wife of the petitioner is the daughter of the deceased Manokaran, she is ready to stand as surety to the petitioner. He also stated that the petitioner is in custody from 06.09.2022, hence, he prayed to grant bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is the son-in-law of the deceased Manokaran, was antagonized with his father-in-law that he did not give any property to him and for having sold the same and spent the entire money for himself and thereby, in order to wreak vengeance, he had poisoned the liquor with Cyanide which was bought by him through online and gave it to his father-law, who has consumed it along with his friend and died. He also submitted that the viscera report discloses that the dead of the victims are due to cyanide poison and also stated that the major part of the investigation is over and the and there is likelihood of the respondent filing the final report. Hence, he vehemently opposed to grant 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



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the period of incarceration undergone by him, 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 thousand only)** with **two sureties** (out of which, one surety should be the wife of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Pollachi**, 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 Chennai and report before the Inspector of Police, North Beach Police Station, 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



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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]***;

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

28.11.2022

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To

1. The Judicial Magistrate - II,
Pollachi.
2. The Inspector of Police,
Negamam Police Station.
Coimbatore District.
3. The Central Jail,
Coimbatore.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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