



Crl.O.P.No.29450 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

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Govindaraj @ Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Salem Town (L&O) Police Station,
Salem District.

(Crime No.232/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.232
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Vasudevan

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 28.09.2022 for the offences punishable under Sections 294(b), 324 & 506(ii) IPC @ 294(b), 506(ii) & 302 IPC, in Crime No.232 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Vennila is that on 21.09.2022, there was a dispute between her husband/deceased and the petitioner/accused on account of picking up the passengers in their share auto, during which, the accused has abused the victim in a filthy language and assaulted him with spanner on his head, resulting in him sustaining grievous injuries. Thereafter, the victim was admitted in the hospital and on 30.09.2022, he died without responding to the treatment. Based on the complaint given by the de-facto complainant, initially, the case was registered in Crime No.232 of 2022 for the offence under Sections 294(b), 324 & 506(ii) IPC and later altered to one under Sections 294(b), 506(ii) & 302 IPC. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner and the husband of the de-facto complainant are share auto drivers and the incident had happened during the quarrel between them. He also submitted that there is no intention or motive on the part of the petitioner to commit murder of the victim and it is happened only during the scuffle. He also stated that the major part of the investigation is over and he is in custody from 28.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the deceased are the share auto drivers and on the said day, there was a quarrel between them on account of picking up the passengers, during which, the petitioner has assaulted the victim with spanner on his head, causing grievous injuries and later died in the hospital, without responding to the treatment. He also submitted that there is no previous case as against the petitioner, however, he opposed to grant bail to the petitioner.



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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 that the incident had happened only during the scuffle 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, Salem** 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;



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[b] the petitioner shall 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]***;

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

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To

1. The Judicial Magistrate-I,
Salem.
2. The Inspector of Police,
Salem Town (L&O) Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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