



Crl.O.P.No.31115 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31115 of 2022

A.Anburaj,
S/o.Ayyanar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Roshanai Police Station,
Tindivanam,
Villupuram Dt.
(Crime No.342 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.342 of 2022 pending on the file of respondent police.

For Petitioner : Mr.G.Tamilselvan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.11.2022 for the alleged offence under Sections 294(b), 427, 302 I.P.C. in Crime No.342 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that this petitioner and the deceased were close relatives and earlier, there was matrimonial dispute between them. Keeping this on mind, on 31.10.2022 at about 9.00 p.m., the petitioner created unwanted quarrel with the deceased, thereby he assaulted him by using stick, in which, he inflicted grievous injury on his head and later he died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any



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condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 45 days from 01.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that petitioner is the sole accused and the deceased got married to one Mahalakshmi and the petitioner is the co-brother of deceased. He would submit that deceased wife staying in the house of the petitioner, wherein, he went and had quarrelled with her, thereby he attacked the deceased with stick and inflicted injury on his head and subsequently, he died. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the petitioner is relative of deceased family and on the date of occurrence, there was a quarrel, out of which, he attacked



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him with stick, thereby he fell down and sustained injury and subsequently he died, the investigation almost completed and considering the nature of offence committed by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Tindivanam**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter on every Saturday at 10.30 a.m. for another period of three months ;

(c) the petitioner shall not commit any offences of similar nature;



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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

16.12.2022

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To

1. The Judicial Magistrate-I, Tindivanam.
2. Inspector of Police,
Roshanai Police Station, Tindivanam, Villupuram Dt.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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