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Crl.O.P.No.4166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.4166 of 2023

Mahendiran @ Mottai,
S/o.Manimaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
D5 Marina Police Station,
Chennai.
(Crime No.1 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1 of 2023 pending on the file of respondent police.

For Petitioner : Mr.P.Thinesh

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 05.01.2023 for the alleged offence under Sections 294(b), 324 and 506(ii) of I.P.C. and subsequently it was altered into Sections 294(b), 324, 307, 506(ii) of I.P.C. and the same was finally altered as Sec.294(b), 324, 307, 302 and 506(ii) of I.P.C. in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that when the petitioner demanded liquor from the defacto complainant and on his refusal, there was a wordy quarrel between them, thereby he brutally attacked him with beer bottle on the head and kicked him on the chest, thereby victim sustained serious injuries and subsequently died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected



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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 condition that may be 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 52 days from 05.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that he is sole accused and no previous case pending against him. He would submit that on the date of occurrence, when the petitioner demanded liquor from the defacto complainant and on his refusal, there is a wordy quarrel between them, thereby he brutally attacked him with beer bottle and subsequently, he succumbed to injuries. 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.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that on the date of occurrence, while demanding liquor from the defacto complainant, there was a wordy quarrel between them, thereby the petitioner attacked him with beer bottle, in which victim sustained serious injuries and the alleged occurrence was happened and no previous case pending against him 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 II Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



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Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Namakkal District and report before the Town Police Station, Namakkal daily at 10.30 a.m. for the period of two months and thereafter, he shall report before the respondent police 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;

(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];



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

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. Inspector of Police,
D5 Marina Police Station,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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