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CrI.O.P.No.5284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

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

CrI.O.P.No.5284 of 2023

Sridharan @ Sridhar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thuraipakkam Police Station,
Chennai.

(Crime No.19 of 2023).

... 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.19
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.01.2023, for the alleged offence punishable under Sections 294(b), 324 & 506(1) of IPC @ 294(b), 324, 302 & 506(1) of IPC, in Crime No.19 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Aayisha, is that there was a financial dispute between her husband and the accused. While so, on 16.01.2023, when the de-facto complainant's husband was standing near his mutton shop, the accused came there and punched on his face repeatedly, due to which, he sustained injuries and he was taken to the hospital, whereas, he died after four days, without responding to the treatment. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person having financial dispute with the de-facto complainant's husband. He further submitted that on 16.01.2023, there was a quarrel between the the petitioner and the husband of the de-facto



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complainant, in which both of them had beaten each other. He also submitted that based on the complaint given by the de-facto complainant, enquiry was conducted in C.S.R.No.49 of 2023 and the FIR was registered on 19.01.2023 for the offence under Sections 294(b), 324 & 506(1) of IPC and later, on 20.01.2023, when the victim breathed his last, it was altered to one under Sections 294(b), 324, 302 & 506(1) of IPC. He also stated that no weapon was used in the incident and there is no intention or motive for the petitioner to commit murder of the victim and the incident had happened only during the quarrel. He further submitted that the petitioner is in custody from 20.01.2023 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. Learned Additional Public Prosecutor appearing for the respondent police submitted that during the wordy quarrel, with regard to the existing financial dispute, the petitioner, punched the victim repeatedly on his face, due to which, he sustained injuries and later, died after four days, without responding to the treatment. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur**, 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 Tiruvannamalai and report before the Inspector of Police, Tiruvannamalai Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;



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[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.

07.03.2023

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To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai District.
3. The Puzhal Jail.
4. The Inspector of Police,
Tiruvannamalai Town Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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