

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5771 of 2023

Karthi

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Ambur Taluk Police Station,  
Ambur, Thirupathur District.

(Crime No.20 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.20  
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.01.2023, for the offences punishable under Sections 294(b), 326, 506(ii) of IPC @ 294(b), 302 of IPC, in Crime No.20 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Ashok Kumar, is that on 19.01.2023, his uncle/victim had accidentally hit against one Sivaraj, due to which, one Karthi, who is the relative of the said Sivaraj, abused the victim in a filthy language and kicked him on his chest, resulting in which, he fell down and become unconscious. Based on the complaint given by the de-facto complainant, a case in Crime No.20 of 2023 was registered for the offence under Sections 294(b), 326, 506(ii) of IPC. Later, the victim was admitted in hospital on 20.01.2023, whereas, he died on 21.01.2023, without responding to the treatment. Therefore, the case has been altered to one under Sections 294(b), 302 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 28 years. He further submitted that the victim, who was in an inebriated condition, had driven his auto rickshaw in a rash and negligent manner and dashed against his relative one Sivaraj, due to which, he sustained injuries. Thereby, there was a quarrel between the petitioner and the victim, during which, the petitioner has pushed the victim down. He would further submit that no weapons have been used at the alleged occurrence and there is no intention or motive on the part of the petitioner, to cause the death of the victim and the incident has happened only due to the sudden and grave provocation, during a quarrel. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the victim, who is the driver of Auto Rickshaw, had dashed against one Sivaraj, due to which, there was a quarrel between the petitioner, relative of said Sivaraj and the victim, during which, the petitioner had kicked the victim on his chest, resulting in which, he fell down and become unconscious and died after two days. He further submitted that investigation in this case is pending and there is no previous case as

against the petitioner, however, he opposed to grant bail to the petitioner.

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 either side of the parties and taking note of 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, Ambur**, 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 report before the

**respondent Police, everyday at 10.30a.m. and 5.30p.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.

**13.03.2023**

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To

1. The Judicial Magistrate,  
Ambur.
2. The Inspector of Police,  
Ambur Taluk Police Station,  
Ambur,  
Thirupathur District.
3. The Central Prison,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.

Crl.O.P.No.5771 of 2023

**A.D.JAGADISH CHANDIRA.,J.**

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