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CrI.O.P.No.6240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

CrI.O.P.No.6240 of 2023

Giriraj

... Petitioner

Vs.

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

(Crime No.75 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.75 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Ruban

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2023, for the offences punishable under Sections 294(b), 323, 324, 341, 506(ii) & 304(ii) of IPC, in Crime No.75 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, who is running a road side tiffin shop at Sri Sainagar, Thuraipakkam, is that on 28.02.2023, at about 9.00 p.m., the accused came to his shop and abused and assaulted him stating that why he was running a mobile tiffin shop near his hotel. During which, when the father of the de-facto complainant, intervened and compromised the accused, whereas, the accused yelled at him and he fell down unconscious, on hearing the voice of the accused. Thereafter, he was taken to the hospital, where he was declared brought dead. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, running a hotel at Thuraipakkam for the past three years and the de-facto complainant has started a road side tiffin shop nearby his hotel. He further submitted that when the petitioner asked the de-



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facto complainant to shift his shop to some other place, the de-facto complainant had quarrelled with the petitioner and during which, the de-facto complainant's father fell down unconscious and later died. He further submitted that even as per the complaint, the petitioner has not even touched the de-facto complainant's father and it seems that he died on account of the heart attack, whereas, the petitioner has been unnecessarily implicated in this case, based on the false complaint lodged by the de-facto complainant. He also stated that the petitioner is in custody from 01.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that petitioner is running a hotel at Thuraipakkam for the past three years and the de-facto complainant, had started road side tiffin shop nearby the shop of the petitioner and the petitioner infuriated with the same, quarreled and assaulted the de-facto complainant and the father of the de-facto complainant intervened and tried to compromise the petitioner, during which, he fell down unconscious and died. He further submitted that no previous case is pending as against the



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petitioner. However, he opposed for grant of 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 also considering the fact that no previous case is pending as against 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate -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 Cuddalore and



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report before the Inspector of Police, Old Town Police Station, everyday at 10.30 a.m. and 5.30 p.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.

17.03.2023

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To

1. The Judicial Magistrate -II,
Alandur.
2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal – II,
Chennai.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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