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Crl.O.P.No.6696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.6696 of 2023

Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.

(Crime No.45 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.45
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.I.Jesu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, for the alleged offence punishable under Sections 294(b), 323, 302 & 506(1) of IPC, in Crime No.45 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Mohideen, is that on 15.02.2023, after completion of birthday celebration of one Senthil Kumar, who was the friend of the de-facto complainant, he along with his friends were standing near the road side Juice shop, at that time, the accused had unnecessarily quarrelled with them, during which, the accused had abused them in a filthy language and fisted and repeatedly punched the said Senthil Kumar, due to which, he fell down unconscious and he was taken to the hospital, whereas, he died, without responding to the treatment. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 30 years. He further submitted that there was a quarrel between the petitioner and the friends of the de-facto



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complainant, in which, both of them had beaten each other, during which, the incident had happened. He also submitted that there is no intention or motive on the part of the petitioner to commit murder of the de-facto complainant's friend and the incident had happened only at the spur of the moment. He further submitted that the petitioner is in custody from 16.02.2023 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 Government Advocate (Crl.Side) appearing for the respondent police submitted that during the wordy quarrel, the petitioner had fisted and punched the victim repeatedly on his face and chest, due to which, he sustained internal injuries and fell down unconscious and later died, without responding to the treatment. He further submitted that no previous case is pending as against the petitioner and also the investigation is still pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side 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 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 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;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

24.03.2023

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To

1. The Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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