



WEB COPY



Crl.O.P.No.6951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

Crl.O.P.No.6951 of 2023

Sureshkumar

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Panruti Police Station,
Cuddalore District.

(Crime No.151 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.151 of 2023,
pending on the file of the respondent Police.

For Petitioner : Mr.A.M.Rahamath Ali

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



Crl.O.P.No.6951 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.03.2023, in connection with Crime No.151 of 2023, registered under Section 174(1) Cr.P.C and altered for the offence punishable under Sections 323 & 304(ii) of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Praveen is that on 06.03.2023, due to the existing civil dispute, there was a quarrel between the de-facto complainant's family and the accused family, during which, the accused have assaulted the de-facto complainant's father with hands, resulting in him sustaining injuries and fell down unconscious. Later, he was taken to the hospital, where, he was declared brought dead. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and due to the existing property dispute, the de-facto complainant has lodged a false complaint against the petitioner. He also submitted that admittedly, there was a quarrel between both the parties, on date of occurrence, during which, both of them fisted each other and during



Crl.O.P.No.6951 of 2023

such time, the de-facto complainant's father fell down unconscious. He also submitted that even the post-mortem report reveals that the victim had died of natural causes and taking advantage of the dispute, the de-facto complainant has lodged a false complaint against the petitioner. He further submitted that there is no intention or motive on the part of the petitioner to commit murder of the deceased and it has happened unfortunately during the quarrel in a fit of rage. He further submitted that the petitioner is in custody from 06.01.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that during the quarrel, on account of the existing property dispute, the accused have assaulted the father of the de-facto complainant with hands, due to which, he fell down unconscious and when he was taken to the hospital, he was declared brought dead. He also submitted that however, no previous case is pending as against the petitioner and the investigation is pending. Therefore, he opposed for grant of bail to the petitioner.



Crl.O.P.No.6951 of 2023

WEB COPY

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

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 condition.

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 No.I, Panruti**, 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 Chennai and report before the Inspector of Police, H-3 Tondiarpet Police Station, everyday at 10.30 a.m., until further orders;



CrI.O.P.No.6951 of 2023

[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.

28.03.2023

ham

To

1. The Judicial Magistrate No.I,
Panruti.
2. The Station House Office,
Panruti Police Station,
Cuddalore District.
3. The Sub Jail,
Panruti.
4. The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6951 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6951 of 2023

28.03.2023