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Crl.O.P.No.7225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7225 of 2023

Murugadoss

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-4, Kavaraipettai Police Station,
Thiruvallur District.

(Crime No.17 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.17 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Prince Premkumar

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 20.01.2023 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC @ Sections 294(b), 302, 506(ii) of IPC r/w 201 of IPC in Crime No.17 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 14.01.2023 around 07.00 a.m., A1 came to the de-facto complainant's house and took her son, for which she objected, but her son went along with him in a bike. While so, when she returned to her house around 02.00 p.m., her son was folded up with bed sheet and when she tried to wake up him, he was found with serious injuries all over the body and he was unconscious. Later, he was taken to the Government Hospital, Ponneri and later, taken to the Stanley Hospital. Thereby, based on the complaint given by the de-facto complainant, a case in crime No.17 of 2023, came to be registered for the offences punishable under Sections 294(b), 324, 506(ii) of IPC. Later, he died in the hospital on 18.01.2023, without responding to the treatment, therefore the case has been altered to one under Sections 294(b), 302, 506(ii) of IPC r/w 201 of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case, only based on the suspicion. He further submitted that even as per the complaint given by the de-facto complainant, her son after returning home, lying down with a blanket over him and later, he was taken to hospital on 14.01.2023 itself. However, the complaint was stated to have been given on 17.01.2023, only after three days, stating that the petitioner had abused and threatened the de-facto complainant and her younger son. He also submitted that initially, the case was registered for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and later altered to one under Sections 294(b), 302, 506(ii) of IPC r/w 201 of IPC after the death of the victim on 18.01.2023. He further submitted that absolutely there is no eye-witness to the occurrence and the petitioners have no intention or motive to commit the murder of the victim. He also submitted that the petitioner is in custody from 20.01.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that it is the case where, the petitioner (A1) along with



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2 other accused, due to previous enmity, have taken the de-facto complainant's son to a secluded place and assaulted the deceased with wooden logs, due to which, he sustained with grievous injuries. He also submitted that the de-facto complainant after seeing his son/victim with injuries, taken him to a hospital and lodged a complaint against the accused on 17.01.2023, whereas, the victim died on 18.01.2023, without responding to the treatment. Initially, the case was registered for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and later altered to one under Sections 294(b), 302, 506(ii) of IPC r/w 201 of IPC. He also submitted that the bail application filed by the similarly placed co-accused (A2) in Crl.O.P.No.5538 of 2023 was dismissed very recently on 21.03.2023 stating that the investigation is in preliminary stage and if allowed on bail, he may also tamper the witness and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, does not have any previous cases and he is ready to abide by any other stringent conditions that may be imposed by this Court. He further submitted that the petitioner is ready to stay far away from the



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jurisdiction of the respondent Police. Hence, he prays for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking note of the fact that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 District Munsif cum Judicial Magistrate, Gummidipoondi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Perambalur and report before the Inspector of Police, Perambalur Police Station, everyday at 10.30 a.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.

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To

1. The District Munsif cum Judicial Magistrate,
Gummidipoondi.
2. The Inspector of Police,
F-4, Kavaraipettai Police Station,
Thiruvallur District.
3. The Central Prison II,
Puzhal, Chennai.
4. The Inspector of Police,
Perambalur Police Station,
Perambalur.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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