



Crl.O.P.No.8792 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8792 of 2023

1.Vignesh

2.Vijay

... Petitioners

Vs.

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

(Crime No.92 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.92 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.R.Rajaramani

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



Crl.O.P.No.8792 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.03.2023, for the offences punishable under Section 174(1) Cr.P.C @ Sections 294(b), 323, 506(i) and 304(2) of IPC, in Crime No.92 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Praveenraj is that one Dhanasekar was working in a petrol bunk and on 04.03.2023, there was a quarrel and scuffle between his brother and two other persons and in the presence of the villagers, the relatives have pacified and compromised them and sent them back. While so, around 12 a.m., in the midnight, his brother had fallen from the stairs and they have taken him to the Government Hospital, Cuddalore and where, they have referred him to JIPMER, Pondicherry and he was taking treatment in JIPMER, while under treatment, he died. Originally the case was registered under accidental fall in Crime No.92 of 2023 and later, since he died without responding to the treatment, the case was altered to one under Sections 294(b), 323, 506(i) and 304(2) of IPC.

3. Learned counsel appearing for the petitioners submitted that the



Crl.O.P.No.8792 of 2023

petitioners are innocent person and they have been falsely implicated in this case. He further submitted that on 04.03.2023, the deceased, in an inebriated condition, has assaulted the petitioners and due to intervention of the villagers, the relatives of the deceased had taken him to the home, whereas, he slipped and fallen from the stairs and sustained injuries and died in the hospital. A false complaint has been given, as if, the petitioners are responsible for the death of the victim. He also submitted that there is no allegations as if the petitioners have assaulted the victim with an intention to cause death. He also submitted that the petitioners are in judicial custody 13.03.2023 and major part of the investigation has been completed. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that there was a quarrel and scuffle between the brother of the defacto complainant and two other persons and in the presence of the villagers, the relatives have pacified and compromised them and sent them back. While so, around 12 a.m., in the midnight, the brother of the defacto complainant had fallen from the stairs and after taking treatment, he died. He also submitted that the investigation is still pending. Hence, he vehemently



Crl.O.P.No.8792 of 2023

opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 No.I, Cuddalore**, 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



Crl.O.P.No.8792 of 2023

Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30a.m., for a period of three weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.04.2023

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CrI.O.P.No.8792 of 2023

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1. The Judicial Magistrate No.I,
Cuddalore.
2. The Station House Officer,
Nallikuppam Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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Crl.O.P.No.8792 of 2023

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Crl.O.P.No.8792 of 2023

21.04.2023