WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10886 of 2023

R.Mohan ... Petitioner

Versus

State Rep. by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

Crime No.157 of 2023 ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No.157 of 2023 pending on the file of the respondent.

For Petitioner : Mr.M.Lokesh

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

https://www.mhc.tn.gov.in/judis

WEB COPY

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023, for the offence punishable under Sections 294(b), 324, 506(2) @ 294(b), 304 of I.P.C., in Crime No.157 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that victim/deceased and the petitioner, who are known to each other, had consumed alcohol together and it appears that the victim/deceased had urinated on the petitioner and there was a wordy quarrel between them. The petitioner being provoked by the victim's act, had attacked him. Originally, the case was registered for the offence under Sections 294(b), 324, 506(2) of IPC and subsequently, altered to the offence under Sections 294(b) & 304 of I.P.C.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 60 years and he is in custody from 14.03.2023.

https://www.mhc.tn.gov.in/judis

WEB COPY

He would also submit that the investigation is almost completed and the custody of the petitioner is not required for further investigation. Further, the learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. In any case, even according to the prosecution, the petitioner has been provoked by the victim/deceased. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the victim/deceased were consumed alcohol, at that time, since the victim had urinated on the petitioner, there was a quarrel between them, during which, the petitioner had attacked the victim/deceased. He would further submit that originally, the case was registered for the offence under Sections 294(b), 324, 506(2) of IPC and subsequently, altered to the offence under Sections 294(b) & 304 of I.P.C. and the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. There is some force in the submission of the learned counsel for the petitioner and taking into consideration facts and circumstances of the case, age of the petitioner and the petitioner is in custody from 14.03.2023 and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

[a] the petitioner shall execute 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 Judicial Magistrate at Sulur.

[b] 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.

[c] the petitioner shall report before the respondent police twice a week at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

https://www.mhc.tn.gov.in/judis

WEB COPY

[f] 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].**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

ham/ab

To

1. The Judicial Magistrate,
   Sulur.

2. The Inspector of Police,
   Sulur Police Station,
   Coimbatore District.

3. The Central Prison,
   Coimbatore.

4. The Public Prosecutor,
   High Court of Madras,
   Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

SUNDER MOHAN, J.

ham

Crl.O.P.No.10886 of 2023

10.05.2023

https://www.mhc.tn.gov.in/judis