



CrI.O.P.No.11396 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.11396 of 2023

N.Rajan
S/o.Natarajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.

(Crime No.150 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime
No.150 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Thilageswaran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.04.2023, for the offences punishable under Sections 294(b), 326, 506(ii) of IPC @ 294(b), 302 of IPC, in Crime No.150 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Kannagi, is that on 05.04.2023, there was a wordy quarrel between her husband/deceased and his elder son/accused. During the quarrel, the accused had abused the victim/deceased and also assaulted him with brick, causing grievous injuries. Based on the complaint given by the de-facto complainant, a case in Crime No.150 of 2023 was registered for the offence under Sections 294(b), 326, 506(ii) of IPC. Later, the victim was admitted in hospital, whereas, he died on 08.04.2023, without responding to the treatment. Therefore, the case has been altered to one under Sections 294(b) & 302 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner, who is none other than the son of the victim/deceased, is an innocent person.



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He further submitted that on 05.04.2023, there was a quarrel between the petitioner and his father/deceased, during the scuffle, he fell down and sustained injuries and the petitioner had only taken him to the hospital, where, he breathed his last on 08.04.2023. He also submitted that even as per the prosecution, the alleged occurrence is stated to have taken place during the quarrel and there is no intention or motive on the part of the petitioner, to cause the death of his father and the incident has happened only due to the sudden and grave provocation, during a quarrel. He further submitted that even assuming that the prosecution has come out with a case against the petitioner, it can only be a culpable homicide and it does not make out a case of murder. He also submitted that the petitioner is in custody from 06.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence the prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it the case of patricide, where, the accused/petitioner, during the quarrel, had assaulted his father/deceased with brick, due to which, he sustained grievous injuries and later, died after three days, without responding to the treatment. He further submitted that



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investigation in this case is pending and there is no previous case as against the petitioner, however, he opposed for granting bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the 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 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 Judicial Magistrate, Sriperumbudur**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police, everyday at 10.30a.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.

06.06.2023

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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