



Crl.O.P.No.16708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16708 of 2023

Devid @ Davidraj

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
Crime No.288 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.288 of 2023 on the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2023 for the offences punishable under Sections 174 Cr.P.C @ 302 IPC @ 304 (2) IPC in Crime No.288 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.288 of 2023 for the offences under Sections 174 Cr.P.C @ 302 IPC @ 304 (2) IPC. It is the submission of the learned counsel for the petitioner that, deceased is the father of the petitioner. Deceased is a drunkard person and he used to behave in an unacceptable manner and he also used to beat the petitioner's mother. Petitioner never intended to kill his father. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, originally the first information report is registered in Crime No.288 of 2023 for the offences 174 Cr.P.C. Subsequently, it was altered into Section 302 IPC and later to 304(2)



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IPC. The allegations against the petitioner is that, deceased is the father of the petitioner and he is a drunkard. He used to treat the petitioner's mother badly, under the influence of alcohol. On the date of the incident i.e., on 08.06.2023, deceased came home after drinking. Deceased started shouting standing in the road. Petitioner informed his mother that, the conduct of the deceased is unbearable. When, petitioner's mother tried to calm the deceased, he started to beat petitioner's mother with a broomstick. Therefore, petitioner in order to help his mother from deceased, he tried to shut his father's mouth. However, inadvertently, a strangulating has happened. As a result of which, the deceased died. Therefore, he prays for dismissal of this bail petition.

4. Considered the submissions and perused the records.

5. The nature and circumstances in which the deceased died and the conduct of the petitioner shows that, there is no prior motive for the petitioner to murder the deceased. Only with a view to save his mother from the deceased, and due to the shouting of the deceased in the



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night, he shut the mouth of the deceased and starngulated.

6. Considering the nature of the allegations made in the first information report and that the petitioner is in judicial custody from 09.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Thiruvarur** 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 report before the respondent police daily at 10.30 a.m., until further orders.

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

27.07.2023

gd

G.CHANDRASEKHARAN. J.



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To

1.The Judicial Magistrate-I, Thiruvarur.

2.The Sub Jail,
Thiruvarur.

3.The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

4.The Public Prosecutor,
High Court of Madras.

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