



Crl.O.P.No.17840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17840 of 2023

Preman @ Chandru

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.338 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation of the case in the Crime No. 338 of 2023 on the file of the Respondent.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2023 for the offence punishable under Sections 294(b), 323 and 307 IPC @ 294(b) and 304(ii) IPC in Crime No.338 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.338 of 2023 for the offences punishable under Sections 294(b), 323 and 307 IPC @ 294(b) and 304(ii) IPC. It is his further submission that, there was a scuffle between the accused and the deceased, resulting in death of the deceased. Petitioner is no way responsible for the death of the deceased. However, he is falsely implicated in this case. Petitioner is in judicial custody from 18.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, as per the first information report allegations, there was a quarrel between the defacto complainant and her husband. On



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17.06.2023, at about 10.30 p.m., defacto complainant's husband came home, under the influence of alcohol and shouted from the 2nd floor of the building. Chandru @ Preman and Vijayakumar came near him and asked him, why he was shouting like that and because of him, they are not able to live peacefully. They further stated that, defacto complainant and her husband are frequently fighting and it is causing nuisance to them. They have also used abusive language. When her husband scolded them, they pushed him from the 2nd floor. As a result, her husband fell from the stairs and sustained injuries and later died. Thus, he prays for dismissal of this petition.

4. Considering the circumstances leading to the incident and that petitioner is in judicial custody from 18.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions 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**



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Magistrate at Sirkazhi 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 morning 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].



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

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gd/nsi

To

- 1.The Learned Judicial Magistrate,
Sirkazhi.
- 2.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
- 3.The Sub Jail
Sirkazhi.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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