



CrI.OP.No.20225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

**CrI.O.P.No.20225 of 2023**

Ganesan

...Petitioner

Vs.

The State Rep by  
The Inspector of Police,  
Papparapatti Police Station,  
Dharmapuri District.  
(Crime No.114 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 in Crime  
No.114 of 2023 on the file of respondent Police.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



CrI.OP.No.20225 of 2023

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**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.07.2023 for the offences punishable under Section 174 of Cr.P.C., subsequently altered into Section 304(ii) of IPC in Crime No.114 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an innocent and he is falsely implicated in a case registered in Crime No. 114 of 2023 for the offences under Section 174 of Cr.P.C., subsequently altered into Section 304(ii) of IPC. Infact, petitioner was only trying to teach swimming lesson to the deceased child, however, deceased child died by drowning. There was no intention on the part of the petitioner to cause the death of the deceased child. Petitioner is in judicial custody from 21.07.2023. Thus, this petition is filed seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that, on 18.06.2023 at about 05.00.p.m., petitioner was teaching swimming lesson to his son Gowtham. Deceased Kaviyarasan was sitting near the well and seeing Gowtham learning the swimming. Petitioner on



CrI.OP.No.20225 of 2023

the intention of teaching swimming lesson to the deceased Kaviyaran, invited him for learning swimming lesson. However, without taking proper precautions, he threw the deceased into the well. As a result, deceased Kaviyaran drowned and died.

4. Considered the rival submissions and perused the records. From the narration of the facts elicited from the FIR and the alteration report, it is seen that, primary aim of the petitioner was to teach swimming lesson to the deceased child. However, without taking proper care, he pushed the deceased into the well. As a result, deceased drowned into the well and died. Petitioner is in Judicial Custody from 21.07.2023. Substantial part of the investigation might have been over by time. Thus, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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, Pennagaram** and on further conditions that :-



CrI.OP.No.20225 of 2023

[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 10.00.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].

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

**19.09.2023**

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CrI.OP.No.20225 of 2023

To

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1. Judicial Magistrate, Pennagaram.
2. The Inspector of Police,  
Papparapatti Police Station,  
Dharmapuri District.
3. Sub Jail,  
Dharmapuri.
4. The Public Prosecutor,  
High Court of Madras



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Crl.OP.No.20225 of 2023

**G.CHANDRASEKHARAN. J.**

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**Crl.O.P.No.20225 of 2023**

**19.09.2023**