



WEB COPY



CrI.OP.No.22438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.22438 of 2023

Ragul

.. Petitioner

Vs.

The State Represented by
Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
(Crime No.189 of 2023)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C
praying to enlarge the Petitioner on bail in Crime No.189 of 2023 on the
file of the Respondent Police.

For Petitioner : Mr.S.Praveenath
For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 26.07.2023 for the alleged offences punishable under Section 174 of
Cr.P.C and subsequently altered in to Sections 294(b), 302 IPC in
Crime No.189 of 2023, on the file of the Respondent Police, seeks bail.



Crl.OP.No.22438 of 2023

2. The case of the prosecution is that the Petitioner is alleged to have committed the crime by pushing the deceased into the temple tank.

The deceased is alleged to have spoken ill of the sister of the Petitioner. On the alleged date of occurrence the Petitioner is alleged to have invited the deceased to temple festival in the village. Both of them went to the temple festival where the Petitioner is alleged to have pushed the deceased into the temple tank, resulting in his death.

3. Originally, the case was registered under the offence under Section 174 of Cr.P.C and subsequently, the Petitioner approached the Village Administrative Officer and confessed the fact.

4. The learned Counsel for the Petitioner submitted that the Petitioner is an innocent of the crime. He had been arrayed as Accused in this case. He also submitted that the date of occurrence was on 21.07.2023. The Petitioner is in prison from 26.07.2023 onwards. Hence, he prays to grant bail to the Petitioner.

5. The learned Additional Public Prosecutor has submitted that the



Crl.OP.No.22438 of 2023

De-facto Complainant is the mother of the deceased and her son's body was seen floating in the temple tank. As per the prosecution case, the Petitioner is alleged to have committed the crime by pushing the deceased into the temple tank. The deceased is alleged to have spoken ill of the sister of the Petitioner. On the alleged date of occurrence the Petitioner is alleged to have invited the deceased to village and accompanied him to the temple festival where he is alleged to have pushed the deceased into the temple tank, resulting in his death.

6.Originally, the case was registered under the offence under Section 174 of Cr.P.C. Subsequently, the Petitioner approached the Village Administrative Officer and confessed to the crime, based on which, the Petitioner was arrested on 26.07.2023. The Petitioner has no previous case against him. The learned Additional Public Prosecutor vehemently opposed to grant bail to the Petitioner and sought dismissal of the bail petition.

7.Heard the learned Counsel for the Petitioner, the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.



Crl.OP.No.22438 of 2023

WEB COPY 8. Considering the above facts and circumstances and also the considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

9. 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 for a likesum amount each to the satisfaction of the learned Judicial Magistrate-I, Chidambaram. One of the surety shall be a blood relative. On further condition that :

a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond. The learned Judicial Magistrate-I, Chidambaram, may obtain a copy of their Aadhar Card or voter identity card or driving licence or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager to ensure their identity;

b) the Petitioner shall stay at Salem and report before the Inspector of Police, Hasthampatti Police Station, Salem District daily at 10.30 a.m., until further orders.

c) the Petitioner shall co-operate with pending investigation;

d) the Petitioner shall co-operate with the Court



Crl.OP.No.22438 of 2023

proceedings till disposal of the case after trial;

e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial:

f) the Petitioner shall not abscond either during investigation or trial;

g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate-I, Chidambaram or the trial Court as the case may be, as per the stage of the proceedings;

h) the learned Judicial Magistrate/Trial Court as the case may be shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail was granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala (2005) AIR SCW 5560* and

i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Vv



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Crl.OP.No.22438 of 2023

SATHI KUMAR SUKUMARA KURUP.J.,

Vv

To

1. The Judicial Magistrate-I,
Chidambaram
2. The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.22438 of 2023

29.09.2023