



Crl.OP.No.26185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.26185 of 2023

Suntharam

...Petitioner

Vs.

The State represented by its
Inspector of Police,
Thirukkanur Police Station,
Puducherry.
(Crime No.85 of 2023)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.85 of 2023 on the
file of the respondent.

For Petitioner : Mr.Achari @ Antoni

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2023 for the offence punishable under Section 174 of Cr.P.C., and later altered to Section 302 of IPC in Crime No.85 of 2023 on the file of the respondent police, seeks bail.

2.However, it is an admitted fact of the learned counsel for the petitioner that the petitioner was not under incarceration from 12.08.2023. He is a Government Servant. He stated that therefore during the course of the incident owing to which, he is said to have committed the murder of his own father, the father had first hit him on the head with all the articles, a silver plate. It could also be a small knock on the head, out of love and affection, since he had used a silver plate. The petitioner, on the other hand, pushed his father and the father had fallen down and suffered injuries and died.

3.Let me not state anything further about the nature of incident since that is an issue for trial. The petitioner, however, instead of spending his time in the jail, appears to have convinced a learned Single



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Judge of this Court and got himself to admit in NIMHNS at Bangalore and later for some reasons moved to his home town Puducherry and got admitted in the Sri Lakshmi Narayana Institute of Medical Sciences, Osudu, Kudapakkam, Puducherry. The said hospital officials had also admitted him.

4.This procedure was very seriously protested and objected by the learned Public Prosecutor for Puducherry, who stated that the petitioner had been granted interim bail with specific direction to produce his medical records relating to his treatment at NIMHNS at Bangalore and had not produced any records. It is also therefore contended that, the petitioner had enacted a drama that he had suffered an injury and had to be hospitalized.

5.Taking a serious view of the entire issue, this Court had directed Dr.Saravana Kumaran, DNB (RD), Senior Resident – Radiology, Sri Lakshmi Narayana Institute of Medical Sciences, to be present before this Court with the complete records. The said doctor is also present. He had



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also produced the records. Those records are have to be examined during the course of trial.

6.The only issue, in the present case, is as to whether investigation has been completed.

7.Investigation has been completed and final report had been filed and the same has been taken cognizance in PRC No.110 of 2023 before the learned Judicial Magistrate – IV, Puducherry. The case will now have to be committed to the Court of Sessions. The petitioner had now been discharged from Sri Lakshmi Narayana Institute of Medical Sciences, and had been later admitted to the Government General Hospital at Puducherry and where from he had again be discharged and he is now in the custody.

8.The learned Public Prosecutor, Puducherry, stated that there are four cases pending against the petitioner herein, out of which, three cases are under Section 506(ii) IPC and one case is under Section 379 IPC.



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9.This Court will have to ensure that he appears before the Court for judicial process and does not abscond during the period of trial. The issue of tampering with the investigation process cannot happen since the investigation has been completed.

10.The presence of Dr.Saravana Kumaran is noted and the said doctor need not come back to this Court ever again.

11.Taking all these factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

12. 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, No.IV, Puducherry and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioner shall appear before the learned Judicial Magistrate No.IV, Puducherry, everyday till the PRC No.110 of 2023 is committed to the Court of Sessions and after it is committed to the Court of Sessions, he shall appear before the Court of Sessions on every Monday at 10.30 a.m., till the charges are framed and after the charges are framed, since he must have an opportunity to defend the case, he shall appear during the Court hearing dates.

[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



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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.

11.12.2023

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To

1. Judicial Magistrate No.IV, Puducherry.
2. Central Prison, Kalapet, Puducherry.
3. The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

Smv

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