



CrI.OP.No.26182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

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

CrI.OP.No.26182 of 2023

M.Arunagiri

...Petitioner

Vs.

The State represented by its
The Station House Officer,
Puduchtram Police Station,
Cuddalore.

Crime No.210 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.210 of 2023 on the file of the respondent Police.

For Petitioner : Ms.S.Naveenha Devi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 25.08.2023, registered by the respondent originally under



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Section 174 Cr.P.C and subsequently, altered to Sections 294(b), 323, 304(2), 506(ii) of IPC in Crime No.210 of 2023, seeks bail.

2.In the application for bail, the provisions of law had not been correctly stated and therefore, a memo had been filed by the learned counsel for the petitioner bringing on record the correct provisions which are Sections 294(b), 323, 324, 506(ii) of IPC.

3.While issuing the order copy, the Registry may mention the aforesaid offences.

4. It is the case of the prosecution that the deceased and the family of A1 had an ongoing civil dispute. A1 was constructing a new house and for that purpose, he erected a beam. A quarrel arose that the deceased demanding that a beam should be put up two feet away from the place where it was actually erected. This quarrel escalated into violence and causing assault on the deceased who died.

5.It is also stated that the investigation has been completed and charge sheet has also been filed.

6.In view of those facts, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 District Munsif cum Judicial Magistrate, Parangipettai, 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, everyday, till the final report taken cognizance by the District Munsif cum Judicial Magistrate and thereafter, appear before the said Court, till the date of Committal and thereafter, appear before the Sessions Court, 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



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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.

01.12.2023

vkr

To

- 1.The District Munsif cum Judicial Magistrate, Parangipettai.
- 2.The Central Prison, Cuddalore.
- 3.The Station House Officer,
Puduchtram Police Station,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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