



Crl.O.P.No.28476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

Crl.O.P.No.28476 of 2023

1.Gajendran S/o. Munusamy
2.Basamma W/o. Munusamy

... Petitioners/Accused 1&2

Vs.

The State represented by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

(Crime No.736 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.736 of 2023 on the file
of the respondent.

For petitioners : Mr.M.P.Saravanan

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



WEB COPY



CrI.O.P.No.28476 of 2023

ORDER

The 2nd petitioner is not an accused in Crime No.736 of 2023, registered by the respondent police for the offence under Section 174 of Cr.P.C., and subsequently altered to Section 304(ii) of IPC. In view of the same, the petition stands dismissed so far as the 2nd petitioner is concerned.

2.In so far as the 1st petitioner is concerned, it is stated that he is the husband of the deceased. He was using a Tractor/Rotator for doing agricultural work. The deceased was also working nearby the Rotator and was also ploughing out plants from near the Rotator. At that time, she got caught in the wheels of the Rotator and was crushed and died. The defacto complainant is the father of the deceased who stated that there were previous quarrels but it is also seen that both the deceased and the 1st petitioner have a 13 year old child and there are no further information received about any previous motive or quarrels between the 1st petitioner and the deceased.

3.Taking all the factors into consideration, I am inclined to grant bail to the 1st petitioner alone since the 2nd petitioner is not an accused in Crime No.736 of 2023, subject to the following conditions:



Crl.O.P.No.28476 of 2023

WEB COPY

4. Accordingly, the 1st 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 Judicial Magistrate No.I, Hosur, 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the 1st 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.

21.12.2023

ata



WEB COPY



Crl.O.P.No.28476 of 2023

C.V.KARTHIKEYAN, J.

ata

To

1.The Judicial Magistrate No.I, Hosur.

2.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

3.The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28476 of 2023

21.12.2023