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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.10708 of 2024

Sridhar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Hudco Police Station,
Hosur, krishnagiri.
Crime No. 118 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in crime No. 118 of 2024 on
the file of the respondent police.

For Petitioner : Mr.S.Ganeshkumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2024 for the alleged offences punishable under Section 174 IPC @ 304(2) IPC **in crime No. 118 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the deceased has sat on the petitioner's bike, at that time the petitioner warned the deceased person to go away from his bike, when the same was refused by the deceased and the petitioner slapped the deceased person on his cheeks and thereafter the deceased went unconscious and he was taken to hospital where he died. Hence, the case.

3. The learned counsel for the petitioner submits that that the deceased has sat on the petitioner's bike in drunken mode, at that time the petitioner warned the deceased person to go away from his bike, when the same was refused by the deceased and the petitioner slapped the deceased person on his cheeks and thereafter the deceased went unconscious and he was taken to hospital where he died. Further, he stated that the petitioner was



getting provoked on the attitude of the deceased and also the with the good intention the petitioner informed the defacto complainant/wife of the deceased and dropped her for the welfare of the child and family. Hence, he prays to allow this petition.

3. Heard both sides.

4. On perusal of the CCTV footage, it shows that there was interaction between the petitioner and the deceased in respect of taking the bike and due to sudden provocation the petitioner slapped him. Considering the period of incarceration undergone by the petitioner and also the investigation is almost completed. Hence, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, No.II, 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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.



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6. On considering the pain and sufferings and the welfare of the the defacto complainant and her two children, this Court recommends that it is a fit case to refer, as per Section 357 of Cr.P.C., the chairman, District Legal Services Authority, krishnagiri, is directed to pass appropriate orders to the District collector, krishnagiri, for disbursing the compensation amount of Rs.2,00,000/- (Rupees Two Lakhs Only) as interim compensation to the defacto complainant and her children in the manner known to law based on the available schemes within a period of four weeks from the date of receipt of a copy of this order and the said amount be deposited in the minor children's account in any of the nearby post office as fixed deposit till attaining their majority and interest may be utilized for the welfare of the children.

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T.V.THAMILSELVI,J.

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To

1. The Judicial Magistrate, No.II, Hosur.
2. The Inspector of Police
Hudco Police Station,
Hosur, krishnagiri.

3. The Sub Jail, Hosur.

4. The Public Prosecutor,
High Court of Madras.

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