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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

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

Crl.O.P.No.12051 of 2024

Thivakar

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
Crime No. 44 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 44 of 2024 on the file
of the respondent police pending investigation.

For Petitioner : Mr. N.Manoharan
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **15.04.2024** for the alleged offences punishable under Sections **294 b, 324, 506(ii) @ 302 IPC in crime No. 44 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.04.2024, when the deceased enquired about his mother to the accused persons, the quarrel was picked up between the deceased and the accused persons, following which the accused persons have abused the deceased in filthy language and assaulted him with wooden log due to which the deceased sustained grievous injury and admitted in hospital where he died after ten days. Initially, the case was registered for the alleged offences punishable under Sections **294 b, 324, 506(ii) and** thereafter, section was altered into Section 302 IPC. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that there is no bad antecedents against the petitioner.



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5. Considering the period of incarceration undergone by the petitioner and also the investigation is almost completed. Further, there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 District Munsif cum Judicial Magistrate Pennagaram**, 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 daily at 10.30 a.m., for a period of three months.



[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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T.V.THAMILSELVI,J.

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To

1. The **District Munsif cum Judicial Magistrate Pennagaram,**

2.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

3. The District Prison, Dharmapuri.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.12051 of 2024

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