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Crl.O.P.No.20251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20251 of 2024

Pandiyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District,
(Crime No. 190 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 190 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Kavikannan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.07.2024, for the alleged offences punishable under Section 194 BNS



CrI.O.P.No.20251 of 2024

altered to Section 108, 115(2), 296(2) of BNS, in Crime No.190 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was running a flower business. On 26.07.2024 at about 1.00 p.m, he received two flower parcels from a private bus. At that time, the petitioner's wife came there and claimed their flower parcel, but the deceased had not delivered it to her. Due to this, there was a wordy quarrel between the deceased and the petitioner, and thereafter the deceased went home, and on that day, he committed suicide by hanging on the roof. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that he has not committed any offence as alleged in the FIR. He further submit that the defacto complainant had given a false complaint as against this petitioner. He was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.20251 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the deceased was running a flower business. On the date of the alleged occurrence, there was a wordy quarrel between the deceased and the petitioner over the flower parcel, as a result, the deceased committed suicide at home by hanging. He further submitted that the petitioner has no previous cases, pending against him and the investigation was also completed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that there is a dispute between the petitioner in respect of flower business, and considering that there are no cases pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



Crl.O.P.No.20251 of 2024

7. 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 Judicial Magistrate No.II, Vridhachalam, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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].



CrI.O.P.No.20251 of 2024

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

22.08.2024

drl

To

- 1.The Judicial Magistrate No.II,
Vridhachalam.
- 2.The Inspector of Police,
Srimushnam Police Station,
Cuddalore District,
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.20251 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.20251 of 2024

22.08.2024