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CrI.O.P.No.20378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

CrI.O.P.No.20378 of 2024

Thamaraikannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Poolampatty Police Station,
Salem District,
(Crime No.118 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. 118 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.W. Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.05.2024, for the alleged offences punishable under Sections 294(b),



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302 & 506(ii) of IPC, in Crime No.118 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the petitioner are mother and son. The defacto complainant and the deceased are husband and wife. They have the habit of consuming liquor. While doing so, on 18.05.2024 at about 7.30 p.m., both of them were consuming liquor. At that time, a wordy quarrel arose between them, and in that quarrel, the petitioner cut his mother's neck with a knife, due to which, she died. Hence the case.

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 has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 90 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the deceased and the petitioner are mother and son. The defacto complainant and the deceased are husband and wife. On the date of the incident, while the deceased and the defacto complainant were consuming liquor, a wordy quarrel arose between them, in which, the petitioner cut his mother's neck with a knife, causing her death. He further submitted that the investigation was completed and the charge sheet has also been filed in PRC.No.12 of 2024. He further submitted that the petitioner has no previous cases, pending against him. However, he 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 made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioner and also considering the fact that the petitioner has no previous cases pending against him, investigation was completed and the charge sheet was also filed and the relationship between the parties, and also considering



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all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 District Munsif cum Judicial Magistrate, Edapadi, and on further conditions that:-

[a] the petitioner shall report before the District Munsif cum Judicial Magistrate, Edapadi, 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].



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

22.08.2024

drl

To

- 1.The District Munsif cum
Judicial Magistrate, Edapadi.
- 2.The Inspector of Police,
Poolampatty Police Station,
Salem District,
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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