

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7306 of 2020

1.Ramachandran @ Katta
2.Senthil Kumar @ Kumar
3.Madhavan @ Sivakumar
4.Ranjith

... Petitioners

Vs.

The State rep. by its Inspector of Police
Palaiyur Police Station
Nagapattinam
(Crime No.23 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.23 of 2020 pending investigation on the file of the Palaiyur Police Station, Nagapattinam.

For Petitioners : Mr.Balaji Thirumoorthy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 16.02.2020 for the offences punishable under Section 294(b), 342, 353 and 302 IPC, 1860, in Crime No.23 of 2020, seek bail.

2.The case of the prosecution is that there was a quarrel between the petitioners and the deceased in the funeral function of their relative's death. In the said quarrel, the petitioners attacked the deceased. The deceased sustained grievous injuries and later died.

3.The learned counsel appearing for the petitioners would submit that the petitioners were granted interim bail by this Court vide order dated 11.05.2020 in Crl.O.P.No.7306 of 2020 for a period of eight weeks. Accordingly, prays for appropriate orders.

4.The learned Government Advocate (Criminal Side) would submit that the investigation has been completed and the final report is taken up in P.R.C.No.2 of 2020 on the file of the learned Judicial Magistrate No.II, Mayiladuthurai.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, the interim bail granted by this court vide order dated 11.05.2020 in CrI.O.P.No.7306 of 2020 is made absolute subject to the following conditions:

(a) Accordingly, these petitioners are ordered to surrender, and shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Mayiladuthurai, within a period of two weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall appear before the learned Judicial Magistrate No.II, Mayiladuthurai on the first working day of every month until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS COURT, NAGAPATTINAM

2 THE JUDICIAL MAGISTRATE,
NO.II, MAYILADUTHURAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PALAIYUR POLICE STATION,
NAGAPATTINAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to M/S.BALAJI THRIUMOORTHY Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.7306/2020

Date :15/07/2020

cs 21/08/2020