

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No. 7862 of 2020

1.Munusamy

2.Veeraian

3.Rengasamy

4.Pereiyannan

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Mayiladuthurai Police Station,

Nagapattinam District.

Cr. No.33 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.33 of 2020 on the file of the respondent police.

For Petitioner : Mr.Sathyasai Eswari

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.01.2020 for the offence punishable under Sections 341, 302 of IPC in Crime No.33 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant one Lakshmi w/o.Mukkaiyan, lodged a complaint with the respondent police on 18.01.2020 against the accused persons alleging that the petitioners assaulted defacto complainant's son/ Manikandan with knife. The defacto complainant is the mother of the deceased. Due to which, the deceased sustained injuries and thereafter, the injured was died. Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. The learned counsel would further submit that the petitioners have been falsely implicated in this case. Further he submits that the petitioners are in judicial custody from 20.01.2020 and hence, he seeks bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a wordy quarrel between deceased and the accused person. At that time, the petitioners assaulted deceased, due to which, the deceased sustained injuries. Thereafter, the injured was died . He admits there is no previous case against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5.Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 20.01.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

(a) each of the petitioner shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, 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 report before the respondent police as and when required for interrogation.

(e) the petitioners shall not abscond either during investigation or trial.

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(g) on breach of any of the aforesaid conditions, the learned 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]**.

(h) 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.

सत्यमेव जयते

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

ssb

WEB COPY

M.NIRMAL KUMAR, J.

ssb

To

1. The District and Sessions Judge
Nagapattinam. (Dismissal order Court)
2. The Judicial Magistrate-I,
Mayiladuthurai.
3. The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent,
Central Prison, Trichy.



Crl.O.P.No. 7862 of 2020

WEB COPY

27.05.2020