

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7883 of 2020

Aries

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
Cr. No.335 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.335 of 2020 on the file of the respondent police.

For Petitioner : M/s.J.Franklin

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

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ORDER

The Petitioner, who is A5 in Crime No.335 of 2020 for the alleged offence under Sections 302 of IPC, was arrested on 08.04.2020.

2. The case of the prosecution is that initially four persons were shown as accused in the F.I.R. Thereafter, two more persons have been included in the case. The deceased Veerakumar was brutally attacked with Aruval by four unknown persons. The Village Administrative Officer of Nallur village has given a complaint before the respondent police since nobody was forthcoming to lodge a complaint.

3. The contention of the Petitioner is that in this case, A1 alone attacked the deceased along with other accused and committed the alleged offence. Video photage recorded from the scene of occurrence proved the occurrence. The petitioner has nothing to do with the alleged offence. There was a fight between the deceased Veerakumar and the other person and the petitioner was not at the scene of occurrence. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that nobody from the locality has given the complaint since VAO of Nallur village has given the complaint. This shows how dreadful are the accused. The petitioner, though initially intervened on the fight between the deceased and the other accused, later he had also chased the deceased when he was attacked. The petitioner was unarmed. There is no previous case against the

petitioner. The investigation is in advanced stage. Hence, he objected for the grant of bail to the petitioner.

5. Taking into consideration the facts that the Petitioner was not armed with any weapon and the he is in judicial custody from 08.04.2020 and the major part of the investigation is over and even according to the case of the prosecution only four persons have committed the offence and video footage has also been recorded and the petitioner herein has arrayed as A5, hence this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison in which the Petitioner has been confined on his release;

(b) 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 Petitioner shall not commit any offences of similar nature;

- (e) the Petitioner shall not abscond either during investigation or trial;
- (f) the Petitioner shall not tamper with evidence or witness either during investigation or trial;
- (g) the petitioner shall report before the respondent police as and when required for interrogation.
- (h) 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];
- (i) if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

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

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dpq

To

1. The Principal District Judge, Tiruppur.
2. The Judicial Magistrate No.II, Tiruppur.
3. The Inspector of Police, Tiruppur South Police Station, Tiruppur District.
4. The Public Prosecutor, High Court of Madras, Chennai-104.
5. The Superintendent, District Prison, Tiruppur.



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M.NIRMAL KUMAR, J.

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