

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.06.2020**

**CORAM**

**THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA**

Crl. O.P. No. 8284 of 2020

1.R. Rajkumar

2.K. Velliyangiri

3.A. Sambathkumar

4.A. Varatharaj

... Petitioners

The State Represented by  
Inspector of Police,  
Avinashi Police Station,  
Tiruppur.

-VS-

... Respondent

**PRAYER:-** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Cr. No. 1151 of 2020 on the file of the Inspector of Police, Avinashi Police Station, Tiruppur.

For Petitioners : Mr. I. Abdul Basith

For Respondent : Mr. K. Prabakar  
Additional Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The Petitioners, who were arrested and remanded to judicial custody on 17.05.2020 for the offence punishable under Sections 294(b), 323, 324 and 302 of the Indian Penal Code, 1860, in Crime No. 1151 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the de-facto complainant, Siva, is that there was previous enmity between his brother, Jeeva and the Petitioners in respect of dispute with regard to playing cricket. On 17.05.2020, the 4<sup>th</sup> accused had called the de-facto complainant's brother to discuss about the match and when he had gone to Madathupalayam, the accused had assaulted him due to which the brother of the de-facto complainant took treatment in the hospital. Pursuant to that, on the same day at 5.15 p.m., the de-facto complainant along with his family members, viz., mother, father and another brother, had gone to the place of the accused to question them. At that time, there was a quarrel and the 1<sup>st</sup> accused had taken a roof tile and hit the de-facto complainant's mother on the head. The other accused had assaulted the de-facto complainant and his brother in hands. Due to the injuries suffered, the mother of the de-facto complainant died on the same day.

3.The learned counsel for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. He would submit that there was a dispute between the brother of the de-facto complainant and the Petitioners with regard to conducting a cricket match. While so, on 13.05.2020, while the Petitioners were at their houses, the de-facto complainant and deceased along with the brother of the de-facto complainant had come to their place and created a quarrel and during the melee, the mother of the de-facto complainant fell

down and sustained injuries. He would submit that the Petitioners are innocent and they are in prison from 18.05.2020. He would submit that even as per the FIR, there was no premeditation and intention to commit the offence. The de-facto complainant and his family members are the aggressors.

4.The learned Additional Public Prosecutor would submit that due to enmity in conducting a cricket match on the date of occurrence, the Petitioners assaulted the brother of the de-facto complainant and he had taken treatment in the hospital. Thereafter, when the de-facto complainant and family members have gone to the place of the accused to question them, the accused had assaulted them. The 1<sup>st</sup> accused had hit the de-facto complainant's mother with a roof tile resulting in her death. He would further submit that the investigation is pending and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case and that the Petitioners are in incarceration from 18.05.2020, this Court is inclined to grant bail to the Petitioners subject to the following conditions:-

(a) Accordingly, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Avinashi within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 First Petitioner shall report before the Respondent Police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for investigation and the Second to Fourth Petitioners shall report before the Respondent Police everyday at 10.30 a.m. for a period of one week and thereafter, as and when required for investigation;

(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) the Petitioners shall not venture out of the house;

(i) 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];

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

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

24.06.2020

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To

1. The Inspector of Police,  
Avinashi Police Station,  
Tiruppur.
2. The Additional Public Prosecutor,  
Madras High Court,  
Chennai – 600 104.
3. The Judicial Magistrate,  
Avinashi.
4. The Jailor,  
Sub Jail,  
Tiruppur.
5. The Superintendent of Prison,  
Central Prison,  
Coimbatore.



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**A.D. JAGADISH CHANDIRA, J.**

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**Dated: 24.06.2020**