

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.9053, 8307, 8309 & 8557 of 2020

1.Jayaraj

***2.Santhosh @ Santhoshkumar**

... Petitioners in Crl.O.P.No.9053 of 2020

***Ajith @ Saravanan**

... Petitioner in Crl.O.P.No.8307 of 2020

***Mathiazhagan @ Mathi**

@ Manimaran

... Petitioner in Crl.O.P.No. 8309 of 2020

***1.Sathish @ Sathyamurugan**

2.Rajesh

3.Gunasekaran

4.Prabakaran

... Petitioners in Crl.O.P.No.8557 of 2020

Vs

The Station Officer,

Panruti Police Station,

Cuddalore District.

... Respondents in all Crl.O.Ps.

COMMON PRAYER:- Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Crime Nos.346 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners :M/s.S.Senthil kumar
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The Petitioners, who were arrested and remanded to judicial custody from 20.11.2019 for the offence punishable under Sections 147, 148, 307, 302, 120(B), 324 of IPC, in ***Crime No.346 of 2020** on the file of the Respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant is a District Representative of AIADMK. On 14.04.2020 at about 11.00 PM, one Balaji and Manikandan came along the way to the river bank to water the defacto complainant's agricultural land from Thirugnanam pump set. It is alleged that all of a sudden, A1 to A6, the named accused are set to have attacked the said Balaji and Manikandan with aruval and knives and others named A7 & A20 also attacked the deceased with iron rod due to which, they sustained severe injuries. Immediately, they were taken to hospital. However, Balaji was declared as brought dead. The said Manikandan was admitted in the hospital and later he also died.

Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners were not present at the scene of occurrence and falsely implicated in this case. The alleged time and place of occurrence was 11.30 pm at a river bank which was pitch dark and far away from the village. At the time occurrence, they were at their home only. Further there is no specific overt-act against the petitioners. The petitioners 1 to 3 & 5 all are sculptor (Sirpi) and 4th petitioner is working as clerk in NLC, Neyveli and they are not a member of any political party. Further the petitioners neither connected with A1 nor connected with the said Thiruganam. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant had given a written complaint wherein he has clearly mentioned the names of the accused as well as their father's name. It is a case of double murder. Apart from the defacto complainant, there are three other eye witnesses to the occurrence. The accused and the defacto complainant belong to the same place and hence there is no

dispute with regard to mistaken identity. Hence, he opposed for the grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR, further from the FIR it is seen that the deceased Balaji(D1) was assaulted by A1, A2, A3, A4 and A6 and the deceased Manikandan (D2) was initially attacked by A1, A5, A8 and A10, later he fell down and attacked by A7, A9, A11 and A13 and there is no specific overtact against the petitioners/accused, except that they were present during the attack and further taking note of the fact that the petitioners are in judicial custody from 20.11.2019, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) The petitioners shall execute 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 on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned

Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 in Crl. O.P.No.8557 of 2020 shall stay at Kumbakonam and report before the Inspector of Police, Town Police Station, daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation; and

(e) the petitioners in Crl. O.P.Nos.9053, 8307, 8309 of 2020 shall stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation;

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

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

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

(i) 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]***.

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

6.With the above directions, this Criminal Original Petitions are ordered.

.06.2020

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Index: Yes/No

Internet: Yes/No

To

- 1.The Station Officer,
Panruti Police Station,
Cuddalore District.
- 2.The learned Judicial Magistrate I
Panruti, Cuddalore District.
3. The Central Prison,
Cuddalore.
- 4.The Additional Public Prosecutor,
High Court of Madras.

M. NIRMAL KUMAR, J.

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*** Amended as per order of this Court dated 23.06.2020 in
Crl.O.P.No.9053, 8307, 8309 & 8557 of 2020.**

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