

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.9235 of 2020

1.Ajithkumar
2.Udayakumar
3.Akash @ Jayasurya

...Petitioners

/versus/

State by
The Inspector of Police,
Ranipet Police Station,
Vellore District.
Crime No.821/2020.

...Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioners / Accused Nos.1, 4 & 6 pending investigation in Crime No.821 of 2020 on the file of Respondent Police.

For petitioners : Mr.M.P.Yuvaraj

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 12.05.2020 for the alleged offences punishable under Sections 143, 294(b), 323 and 302 IPC in Crime No.821 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that one Vicky was called by the friends of the deceased for taking a Tik Tok video. The said vicky had refused for the same and there was enmity between them. That Vicky has informed the petitioners about the same and that on the date of occurrence, there was a quarrel, during which the accused assaulted the victim and also kicked him in his private part, resulting in his death.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that they have been falsely implicated in this case. He would submit that there was a quarrel and even as per the case of the prosecution, no weapon was used and the occurrence had happened suddenly and there was no premeditation Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioners had gone to the scene of occurrence on behalf of their friend Vicky. There was a quarrel, during which, the accused hit the victim with hands and legs, resulting in the victim sustaining injuries in his private part and subsequently, he died. He further submitted that the investigation is pending. .

5.Considering the facts and circumstances, 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 his release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif-cum-Judicial Magistrate, Ranipet, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/06/2020

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 SESSIONS JUDGE,
VELLORE.

2 THE DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, RANIPET.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
VELLORE DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. L.MAHANDRAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9235/2020

Date :30/06/2020

TA-13/07/2020