

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

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

CrI.O.P.No.9563 of 2020

1.Arul

2.Parimalam

.. Petitioners

/versus/

State Rep. by

The Inspector of Police,
Tiruvallur Taluk Police Station,
Crime No.782 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in Crime No.782 of 2020 on the file of the respondent police.

For Petitioners : M/s.A.Kalaiselvan

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrayed as A3 and A4 were arrested and remanded to judicial custody on 29.05.2020 and 27.05.2020, respectively for the alleged offence punishable under Sections 294 (b), 324, 506(ii), 307 later altered into Sections 294(b) and 302 IPC in Crime No.782 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Selva Nayagam is that the accused are related to him and that there was a civil dispute pending against them. On a fateful day all the accused joined together and abused the defacto complainant and his wife and assaulted them with knife and wooden planks. The victim was admitted in the hospital on 26.05.2020 and she succumbed to the injuries on 29.05.2020, after three days. Thereafter, the case was altered to one under Section 294(b) and 302 of IPC.

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 further submit that there was a quarrel between the family members and during the melee the victim fell down and sustained injuries and passed away after three days. He would further submit that the first petitioner is aged about 79 years and the second petitioner is aged about 62 years and they are in custody from 27.05.2020 and 29.05.2020, respectively. He would further submit that

the major part of the investigation is over. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioners are the relatives of the defacto complainant, there was a civil dispute pending between them with regard to the usage of a common irrigation well. On a fateful day the petitioners have abused the defacto complainant and his wife and assaulted them with knife and wooden planks, in which the defacto complainant's wife sustained injuries, she succumbed to the injuries after three days. He would further submit that the investigation is still pending. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, 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), each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-I, Tiruvallur, 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 every day at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

(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/-
26/06/2020

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 JUDICIAL MAGISTRATE,
NO.I, TIRUVALLUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVALLUR TALUK POLICE STATION
TIRUVALLUR DISTRICT

CC to M/S.A.KALAISELVAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9563/2020

Date :26/06/2020

rd 27/07/2020