

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10427 of 2020

1.Selvam @ Ravichandran ... Petitioners
2.Aravind
3.Balaguru
4.Sivasamy

Vs.

State ... Respondent
The Inspector of Police
Vaitheeswaran Koil Police Station
Nagapattinam District.
(Crime No.480 of 2020)

PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.480 of 2020 pending investigation on the file of the Inspector of Police, Vaitheeswaran Koil Police Station, Nagapattinam District.

For Petitioners: Mr.G.Mohanakrishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioners / A1 & A2, who were arrested and remanded to judicial custody on 09.06.2020 and the petitioners / A3 & A4 were arrested on 17.06.2020 for the offences punishable under Section 294 (b), 324, 307 and 506 (ii) IPC and subsequently altered to 147, 148, 294(b), 324, 506(ii), 307 and 302 IPC, in Crime No.480 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant Ramachandran is that due to previous enmity on 08.06.2020 the petitioners have joined together and assaulted his son with wooden logs indiscriminately, due to which, the son of the defacto complainant sustained injuries and he was admitted in the Government General Hospital. Sirkazhi and when he was under the treatment, as per the statement given by the defacto complainant, a case was registered for the offences under Section 294(b), 324, 307 and 506 (ii) IPC, since the condition of the victim got deteriorated, he was

moved to JIPMER Hospital in Pondicherry. The victim had died while taking treatment on 16.06.2020, thereafter, the case was altered to 147, 148, 294(b), 324, 506(ii), 307 and 302 IPC.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the deceased is the aggressor and he had assaulted the father of the 2nd Accused namely one Anandan, who is a senior citizen, due to which, quarrel arose between the petitioners and the deceased. The petitioners have no pre determined motive to commit the murder of the victim. All the family members of the petitioners have been falsely implicated in this case. The father of the 2nd Accused Anandan had also given a counter complaint, which has been registered in Crime No.479 of 2020 against the victim. He would further submit that the major part of the investigation is over.

4. The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioners have on 08.06.2020 assaulted the defacto complainant's son indiscriminately with wooden logs, resulting in the victim sustaining serious injuries and due to his critical condition he was referred for treatment to the JIPMER Hospital and he passed away on 16.06.2020. He would further submit that the major part of the investigation is over.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, 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 on their release;

(b) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Sirkazhi, within a period of two weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, 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 stay at Trichy and report before the Trichy Cantonment Police Station 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. It is made clear that the petitioners shall not enter into the jurisdiction of the respondent police.**

(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) 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];

(i) 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/-

17/07/2020

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
SIRKAZHI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAITHEESWARANKOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, SIRKAZHI.

CC to M/S. G.MOHANA KRISHNAN Advocate on payment of necessary charges

CRL OP.10427/2020

Date :17/07/2020

TA-25/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>