

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2020

CORAM :

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

Crl.O.P.No.11094 of 2020

1.S.Velmurugan
2.Prakash

... Petitioners

Vs.

STATE BY

The Inspector of Police
Arani Taluk Police Station
Arani
Thiruvananthapuram District
(Crime No.1933 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.1933 of 2020 pending investigation on the file of the Inspector of Police, Arani Taluk Police Station, Arani.

For Petitioners : Mr.B.Lenin Balu

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 27.06.2020 for the offences punishable under Section 147, 294(b), 323, 302 IPC, in Crime No.1933 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant is that there was a dispute between the family of the defacto complainant and the accused with regard to the property. On 27.06.2020 at about 8:00 a.m. while the defacto complainant along with his family members attempted to plant coconut saplings in the disputed land, the accused came to the spot and picked up a quarrel, assaulted the father of the defacto complainant with hands and also fisted, due to which, he fell down. When the defacto complainant's father was taken to the hospital, he was declared brought dead.

3.The learned counsel appearing for the petitioners would submit that due to previous enmity with regard to the land dispute, the petitioners were falsely implicated in this case. He would further submit that the father of the defacto complainant fell down and died, for which the entire family members of the petitioners have been

added as accused. The petitioners are in judicial custody from 27.06.2020 and the major part of the investigation is over. He would further submit that there is no intention to assault the deceased and no weapon was used. They have only assaulted with hands.

4.The learned Government Advocate (Crl. Side) would submit that due to land dispute, the petitioners have assaulted the father of the defacto complainant with hands, due to which, the deceased succumbed to injuries. He would further submit that the victim is aged about 66 years. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel, 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 condition to execute 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 his 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, Arani, Thiruvannamalai District, within a period of two weeks after lifting of lockdown 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 Vellore and report before the Vellore Town Police Station daily at 10:30 a.m. until further orders. The petitioners shall not enter the jurisdiction limits 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

(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/-

24/07/2020

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,
ARANI, THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ARANI TALUK POLICE STATION
ARANI
THIRUVANAMALAI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE OFFICER INCHARGE,
VELLORE TOWN POLICE STATION,
VELLORE.

CC to M/S. B.LENIN BALU Advocate on payment of necessary charges

WEB COPY

CRL OP.11094/2020

Date :24/07/2020

RVR 08/09/2020