

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Crl.O.P.No.13688 of 2020

1.Kumar ... petitioners
2.Kumaresan
3.Panneer
4.Sundaresan
5.Praveen

Vs.

State rep. by ... Respondent
The Inspector of Police
Vadapathimangalam Police Station
Tiruvavarur District
(Crime No.472 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation of the case in Crime No.472 of 2020 on the file of the respondent.

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 26.07.2020 for the offences punishable under Section 147, 294(b) and 302 IPC, in Crime No.472 of 2020, seek bail.

2.The case of the prosecution is that there was previous enmity between the petitioners and the deceased with regard to the management of temple. While so, on 24.07.2020, there was a fight between the deceased and the petitioners and the petitioners had teased the deceased, due to which, there was a quarrel and the petitioners have assaulted the victim and one of the petitioners had hit the victim on his private part, due to which, the deceased succumbed to death.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and the incident took place during the quarrel and sudden fight and that they had no

intention or motive to commit the murder of the deceased and no weapon was used. He would further submit that the petitioners were arrested on 25.07.2020 and they are in custody for more than 40 days.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners and the deceased are neighbours and that there was a quarrel between them, during which, the petitioners have assaulted the deceased and one of the petitioners had hit the deceased on his private part, due to which, the deceased succumbed to death.

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

(b) Thereafter, the petitioners shall **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each (out of which one blood surety)**, before the learned Judicial Magistrate No.II, Mannargudi, Tiruvarur District, 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 on their release from prison, shall stay at Muthupettai and report before the Muthupettai Police Station everyday at 10:30 a.m and 5.30 p.m. until further orders. It is made clear that the petitioners shall not visit the jurisdictional 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 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/-

04/09/2020

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.II MANNARGUDI, TIRUVARUR DISTRICT,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAPATHIMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM

6 THE OFFICER INCHARGE
MUTHUPETTAI POLICE STATION
MUTHUPETTAI.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.13688/2020

Date :04/09/2020

TA-09/09/2020