

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.13667 of 2020

1.Singaravel  
2.Alex Rajesh  
3.Amudha Niranjana  
4.Myketyson  
5.Nelson Mandela

... petitioners

Vs.

The State, represented by  
Inspector of Police  
M-5, Ennore Police Station  
Chennai-600 057  
(Crime No.3386 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail concerned in Crime No.3386 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Vinoth

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 15.07.2020 for the offences punishable under Section 147, 148, 341, 294(b), 324, 307 & 506(ii) IPC altered to 147, 148, 341, 294(b), 324, 506(ii) & 302 IPC, in Crime No.3386 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant one Panchavarnam is that the deceased and the accused are known to each other. On 14.07.2020, the deceased, the 2<sup>nd</sup> petitioner and the 3<sup>rd</sup> petitioner were consuming liquor during which, quarrel arose and the deceased assaulted the 3<sup>rd</sup> petitioner with knife and inflicted injury on the ear of the 3<sup>rd</sup> petitioner, due to which, there was a fight and during the fight, A1, the father of the 3<sup>rd</sup> petitioner, had snatched knife from the deceased and had inflicted stab injuries and the other accused hurled stones on him, thereby the deceased died.

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 even as per the F.I.R. the deceased was stated to have inflicted injury on the 3<sup>rd</sup> petitioner and that during the fight, the incident had taken place.

4.The learned Government Advocate (Crl. Side) would submit that during the quarrel, the deceased attacked the 3<sup>rd</sup> petitioner with knife due to which, there was a fight and A1 who is the father of the 3<sup>rd</sup> petitioner snatched the knife from the deceased and stabbed him. He would further submit that other accused have hurled stones on the deceased. He would further submit that investigation is pending.

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) 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 Judicial Magistrate Court, Thiruvottriyur, 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 Cuddalore and report before the Cuddalore O.T. 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 COURT,  
THIRUVOTTIYUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE,  
M-5, ENNORE POLICE STATION,  
CHENNAI-600057.

5 THE OFFICER INCHARGE,  
CUDDALORE O.T. POLICE STATION,  
CUDDALORE.

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

CRL OP.13667/2020

Date :04/09/2020