

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2625 of 2021

1. Manjunath ... Petitioners
2. Arul
3. Murugesan

Vs.

State rep by its ... Respondent
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
Cr.No.631 of 2020.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.631 of 2020 on the file of the respondent police.

For Petitioners : Mr. V.Parthiban
For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 21.12.2020 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 302 and 506(ii) of IPC in Crime No.631 of 2020, seeks bail.

2. Totally there are 5 accused and the petitioners are A3 to A5. It is a case of double murder. The case of the prosecution is that the deceased belongs to Madhyapradesh and they are construction labours. On the date of occurrence, while they were consuming liquor, all the accused persons said to have demanded money from them for purchasing liquor. At that time, there was a wordy quarrel arose between them, in which, the petitioners/A3 to A5 caught hold of the deceased and A1 and A2 brutally attacked both the deceased and other persons with iron rod and knife . Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the main overtact has been attributed as against A1 and A2. So far as these petitioners are concerned, they said to have caught hold of

the deceased and others. He would further submit that the main accused A2 has been released on bail. The petitioners are in jail for more than 70 days. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of double murder. Both the deceased hailing from Madhyapradesh and they are construction labours. The petitioners have demanded money from them. Since they refused to give money, all the accused persons joined together and attacked them with iron rod and knife and caused death. She would further submit that the main accused was released on bail because of his ailment. Now, investigation is almost completed. Hence, she opposed to grant bail to the petitioners.

5. I have considered the submissions and perused the materials available on records carefully.

6. On a perusal of the First Information Report and other documents, it could be seen that there was a wordy quarrel between two groups while consuming liquor, in which, out of sudden provocation, A1 and A2 attacked the deceased and other persons and these petitioners caught hold of the deceased.

7. Taking into consideration of the facts and circumstance of the case, and the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Hosur, and on further conditions that:

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/03/2021

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-II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE DISTRICT JUDGE,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

+1 CC to M/S.V.PARTHIBAN Advocate on payment of necessary charges SR.NO.2588

CRL OP.2625/2021

Date :02/03/2021