

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3111 of 2021

1.Malarmannan
2.Ranjith

... Petitioners

Vs.

State rep by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
Cr.No.13 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.13 of 2021 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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 01.01.2021 for the offence punishable under Sections 294(b), 323, 324 and 302 in Crime No.13 of 2021, seek bail.

2. Totally, there are 3 accused and the petitioners are A1 and A2. The case of the prosecution is that the accused persons and the defacto complainant belongs to same village. Due to previous enmity on 01.01.2021, all the 3 accused attacked the deceased with beer bottle and also with knife and caused serious injuries to him. Immediately, he was taken to the Hospital and the case was registered against them for the offences under Sections 294(b), 323, 324 and 307 of IPC. Subsequently, on the nextday, he succumbed to injuries and hence, the crime has been altered into 294(b), 323, 324 & 302 of

IPC and the petitioners were arrested. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. During wordy quarrel between the parties, on sudden provocation, the petitioners attacked the deceased and there is no intention to cause his death. Now, they are in jail for more than 65 days. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioners and the deceased belongs to same village. Due to previous enmity, all the accused the deceased with bottle and also cut his neck and he succumbed to injury on the next date. Now, investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and the fact that the occurrence said to have taken place in a wordy quarrel and in a sudden provocation, the petitioners said to have attacked the deceased and the fact that the investigation is almost completed and also taking note of 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, Namakkal, 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.

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

-sd/-

04/03/2021

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,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI
charges SR.No.2738

Advocate on payment of necessary

CRL OP.3111/2021

Date :04/03/2021

cs 05/03/2021