

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3583 of 2021

1.Yellappa
2.Venkatesh

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
Crime No.628 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.628 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr. R.Thirumoorthy

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 08.12.2020 for the offence punishable under Sections 302 of IPC in Crime No.628 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased were friends and used to consume liquor regularly. On the date of occurrence, the deceased said to have purchased liquor for the petitioners and failed to return the remaining amount. Due to same, there was quarrel between them, in which, the petitioners said to have attacked the deceased with wooden log and caused serious injuries, thereafter, he died in his house. Hence, based on the complaint given by his father a crime under Section 174 Cr.P.C. has been registered. Subsequently, the petitioners have appeared before the Village Administrative Officer and given extra judicial confession, thereafter, the crime was altered into 302 IPC and they are remanded to judicial custody on 08.12.2020.

3. The learned counsel for the petitioners would submit that the petitioners are friends of the deceased. Only on suspicion, the respondent police arrested the petitioners and created a story as if the the petitioners have given extra judicial confession. Hence, prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners, in an inebriated mood, attacked the deceased with wooden log and caused his death. Based on the extra judicial confession, they were arrested. She would further submit that now, investigation is almost completed. Hence, she opposed to grant bail to the petitioners.

5. 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-I, 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 petitioner 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/-
24/02/2021

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.I, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BAGALUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR.NO.2185

CRL OP.3583/2021

Date :24/02/2021

TA-25/02/2021

WEB COPY