

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5653 of 2021

1. Settu
2. Ravi
3. Lakshmanan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Poolampatty Police Station,
Salem District.
(Crime No.32 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.32 of 2021 on the file of the Respondent Police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 02.02.2021 for the offence punishable under Sections 294(b), 307 of IPC altered into 294(b), 307 & 302 of IPC in Crime No.32 of 2021, seeks bail.

2. Totally there are 3 accused and the petitioners are arrayed as A1 to A3. The case of the prosecution is that the petitioners and the deceased are relatives and a civil dispute pending between them. On 01.02.2021, about 10.00 p.m., while the defacto complainant and her husband/deceased were sitting in front of their house, all the accused crossed their house. At that time, the defacto complainant's dog barked and chased the petitioners' bike. Hence, one of the

accused thrown stone on the dog and the same was questioned by the deceased. Hence, quarrel arose between them, in which, the petitioners said to have attacked the deceased with bamboo stick, which was available in the scene of occurrence and the caused injuries to the deceased and they have also caused injury to the son of the defacto complainant. Immediately, both of them were admitted in the hospital. Based on the complaint given by the wife of the deceased, initially a crime was registered under Section 294(b) and 307 IPC. On the next day, the husband of the defacto complainant succumbed to injuries and hence, the First Information Report was altered into Section 294(b), 307 and 302 IPC. The petitioners were arrested on 02.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioners would submit that the petitioner and the deceased are relatives. The occurrence has taken place in a wordy quarrel, in which, the deceased also attacked the petitioners 2 and 3 and caused injuries to them. They were also admitted in the hospital and taken treatment. The petitioners are in jail nearly 2 months. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have deliberately attacked the deceased with bamboo stick, which was available in the scene of occurrence and caused severe head injury to him, due to which, he succumbed to injuries on the next day. Now, investigation is almost completed. Hence, she opposed to grant bail to the petitioners.

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

6. In a wordy quarrel, out of sudden provocation, all the accused said to have attacked the deceased with bamboo stick which was available in the scene of occurrence and caused injuries to him. Now, investigation is almost completed.

7. Considering the said facts and circumstances of the case and and also 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 District Munsif cum Judicial Magistrate, Edappady 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 petitioner 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/-
31/03/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
POOLAMPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No.4287

cs 01/04/2021



CRL OP.5653/2021

Date :31/03/2021

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