

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6844 of 2021

1. Vignesh
2. Parameswaran
3. Ramar

... Petitioners

Vs.

The State Rep by  
The Inspector of Police,  
Veeraganur Police Station,  
Salem District.  
Cr.No.52 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.52 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.S. Muthukrishnan

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 13.02.2021 and remanded to judicial custody for the offences under Sections 294(b), 323, 307 of IPC and later the sections were altered to one under Sections 294(b) and 302 of IPC and also under the relevant provisions of the Protection of Child from Sexual Offences Act 2012 in Cr.No.52 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners attacked the husband of the defacto complainant with hands and took him and threw him upside down and hit his head on the ground, due to which he was admitted in the hospital and later died. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submit that the petitioners have not committed any offence and they have been falsely implicated in this case. He further submits there is no weapon was used by the petitioners at the time of alleged occurrence and no external injury was sustained by the deceased. It is further submitted that due to some altercation, there was a wordy quarrel between the petitioners and the husband of the defacto complainant. Further, the petitioners have been in jail from 13.02.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners brutally assaulted the husband of the defacto complainant and caused injuries to him and he succumbed to the injuries. She further submits that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners and further the fact that no motive has been attributed to the petitioners for causing the injuries on the body of the husband of the defacto complainant, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Attur, Salem District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-  
27/04/2021

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, ATTUR, SALEM DISTRICT.

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,  
VEERAGANUR POLICE STATION,  
SALEM DISTRICT.

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

सत्यमेव जयते

CRL OP.6844/2021

Date :27/04/2021

cs 27/04/2021

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