

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9077 of 2021

1.S.Murugan
2.S.Velu

... Petitioners

Versus

The State,
Rep., by The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
(Crime No.132/2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in Crime No.132/2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Sivanathan

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested on 16.03.2021 for the offences punishable under Sections 341, 294(b), 324, 506(ii) @ 302 IPC in Crime No.132/2021, on the file of the respondent police, seek bail.

2. It is seen from the submissions made that the deceased and the 1st accused Murugan had rivalry with regard to the avocation of beating of drum at the time of funeral of death person. On 14.03.2021, the deceased had gone to visit his aunt, At about 11.15 a.m. The defacto complainant received information through phone that there was a quarrel between her husband and the 1st accused Murugan. As a consequence thereof, the petitioner and his brother Velu attacked her husband / deceased with iron rod and caused fatal injuries.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are in judicial custody from 16.03.2021 and prays for release of the petitioners on bail.

4. The learned Additional Public Prosecutor submitted that in this case, an investigation is over and the charge sheet is taken on file in P.R.C.No.81 of 2021 and the next date of hearing is on 21.05.2021.

5. Taking note of the fact that the investigation is completed and also the fact that the petitioners are in judicial custody from 16.03.2021, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai, 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 am. until further orders.
- c) the petitioners shall not abscond either during investigation or trial.
- d) the petitioners shall not tamper with evidence or witness 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 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]**.
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-4 BASIN BRIDGE POLICE STATION,
CHENNAI.

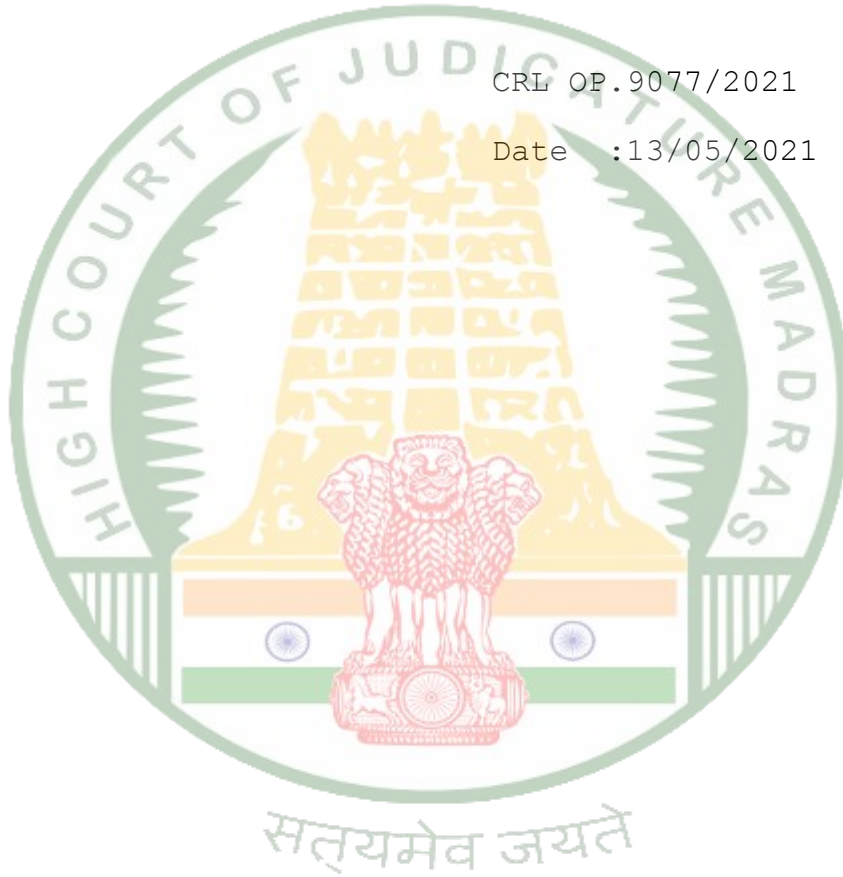
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

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

CRL OP.9077/2021

Date :13/05/2021

TA-17/05/2021



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