

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9117 of 2021

1.Kukan
2.Anbarasu
3.Ilanchezhiyan
4.Devan & Devadoss
5.Kesavan
6.Iyyappan
7.Vinoth @ VINOTHKUMAR ... Petitioners

Versus

The State,
Rep., by The Inspector of Police,
Padalam Police Station,
Chengalpattu District.
(Crime No.75/2021) ... 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.75/2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

ORDER

The petitioners, who were arrested on 22.03.2021 (A1 to A5) and 01.04.2021 (A6 & A7) for the offences punishable under Sections 147, 341, 294(b), 324, 307 IPC @ 147, 341, 294(b), 324, 302 IPC in Crime No.75/2021, on the file of the respondent police, seek bail.

2. It is seen from the submissions that due to quarrel which took place in the Wine Shop on 20.03.2021, on 21.03.2021 at about 8.30 p.m, accused in this case formed an unlawful assembly and said to have attacked the deceased indiscriminately. As a result of which, he died.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and there is no specific overtact attributed to the petitioners. He further submitted that petitioners 1 to 5 were remanded to judicial custody on 22.03.2021 and the petitioners 6 and 7 were remanded on 01.04.2021. Therefore, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor opposes this petition on the ground that the investigation is still pending.

5. Considering the fact that the incident had happened due to the dispute that happened in a wine shop and that there are about 20 accused and all of them said to have formed unlawful assembly and attacked the deceased, which contributed to his death and the fact that some of the petitioners are in judicial custody from 22.03.2021 and some of them are in judicial custody from 01.04.2021 and also the fact that the material part of the investigation is over, 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 Judicial Magistrate No.I, Chengalpattu, 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.M. MACHAVATHARAN Advocate on payment of necessary charges sr.6177

CRL OP.9117/2021

Date :13/05/2021

RVR 17/05/2021

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