IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CRL.OP.No.9350 of 2021

1. Ranjith
2. Ganesan
3. Manikandan @ Mani
4. Bajrudeen
5. Arulraj @ Kattai .. Petitioners

Versus

The Inspector of Police
Mayiladuthurai Police Station,
Nagapattiman District.
(Crime No.358 of 2021) .. Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail relating to crime No.358 of 2021 on the file of the Inspector of Police, Mayiladuthurai Police Station, Nagapattinam District.

For Petitioners : Mr.S.P.Harikrishnan

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.04.2021 for the offences punishable under Sections 147, 148, 294(b), 452, 323, 324 and 302 IPC in Crime No.358 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.04.2021 at about 09.30 p.m., the petitioners trespassed into the house of the defacto complainant and attacked her son Ayyappan with knife and wooden log, as a result of which the son of the defacto complainant sustained injuries and immediately rushed to the Government Hospital at Mayiladuthurai. However, Ayyappan died on the same date.

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https://hcservices.ecourts.gov.in/hcservices/

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the deceased is a history sheeter.

4. The learned Government Advocate (Crl.Side) opposed the bail petition on the ground that the investigation is still pending.

5. Considering the period of incarceration and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) The petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, District Prison, Nagapattinam and thereafter on their release;

(b) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.1, Mayiladuthurai, within 15 days from the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand cancelled automatically;:

(c) 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.

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

(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 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 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.

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6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/05/2021

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,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.

+1CC to M/S.S.P.HARIKRISHNAN Advocate on payment of necessary charges SR.NO.6247

CRL OP.9350/2021

Date :19/05/2021

MK:21/05/2021

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