

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.9812 of 2021

1. Manjula

2. Thirumalai

... Petitioners

Vs.

The State Rep. by

The Inspector of Police,
Pernanallur Police Station,
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in connection with Crime No.107 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Vijayakumar

For Respondent : Mr.E.Raj Thilak
learned counsel appearing for
Government of Tamil Nadu
(CrI side)

ORDER

The petitioners who were arrested on 25.04.2021 and remanded to judicial custody for the offences punishable under Section 302 of I.P.C in Cr.No.107 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and deceased. The deceased under full intoxication returned home on 24.04.2021 at 07.00 p.m., and abused and assaulted the 1st petitioner. Thereafter, the petitioners had attacked the defacto complainant and caused injuries. Subsequently, he died. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 25.04.2021 Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and the charge sheet is yet to be filed. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Having regard to the nature of allegations and considering the fact that there is no motive or intention occurrence took place in the wordy quarrel and taking note of the fact that the substantial investigation is over, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Thorapadi- Vellore Central Prison in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, each of the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Cheyyar, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners are not able to execute bond within the specified time, the petitioners shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Cheyyar.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioners shall abide by the following conditions imposed by this Court. The petitioners shall not interfere, influence or cause hindrance to the pending investigation.

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

(e) the petitioners shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond 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 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]; and;

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

-sd/-
03/06/2021

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT OF THE THORAPADI,
VELLORE CENTRAL PRISON,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERNANALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S S.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.6348

CRL OP.9812/2021

Date :03/06/2021

MK:04/06/2021