

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9894 of 2021

1. M.Nachimuthu
2. T.Pravin
3. M.Sathish Kumar
4. V.Sakthi
5. E.Prakash

.... Petitioners

Vs.

The State ,
Represented by Inspector of Police,
Sankari Police Station,
Salem District.

.... 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.105 of 2021 pending investigation on the file of respondent police.

For Petitioners : Mr.J.Senthamilarasu

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

ORDER

The petitioners who were arrested on 14.03.2021 and remanded to judicial custody for the offences under Section 302 in Cr.No.105 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 1st petitioner is the father of the victim and the other accused are engaged by A1. Further, there was misunderstanding between the 1st petitioner and the victim, the petitioners said to have attacked the victim, 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 14.03.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned counsel appearing for the Government of TamilNadu (Crl.Side) would submit that there was a misunderstanding between the 1st petitioner and the victim. As a result of which, the petitioners said to have attacked the victim, subsequently, he died. He would further submit that the investigation is almost over. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the rival submission made by either side and considering the fact that the 1st petitioner is the father of the victim and other petitioners are deploy. Admittedly, in this case there is no witnesses and other accused have been arrayed on the confession of A1. The defacto complainant is the sister of the deceased was informed by A1 about the deceased lying with injury in the coconut farm

6. Considering the period of incarceration suffered by the petitioners and the present COVID-19 pandemic situations, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) each of the petitioner shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the Central Prison, Salem, in which the petitioners have been confined on their release;

(b) each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate -I, Sankari, Salem, within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) On release the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(e) the petitioners shall not commit any offences of similar nature;

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

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

(h) 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].

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

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

-sd/-
04/06/2021

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 NO.I,
SANKAR, 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,
SANKARI POLICE STATION,
SALEM DISTRICT.

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

CRL OP.9894/2021

Date :04/06/2021