

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10011 of 2021

1.Selvam

2. Sekar

3. Rajadurai

4. Muthu Mani

5. Poomalai

6. Malarvizhi

... Petitioners /
Accused 1 to 6

Versus

State by rep. By
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.146 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioners on bail, pending investigation, in connection with the case in Crime No.164 of 2021 on the file of the respondent.

For Petitioners : Mr.C.Kathiravan

For Respondent : Mr.E.Raj Thilak,
Counsel for Government(Crl.Side)

ORDER

The petitioners/Accused No.1 to 6, who were arrested and remanded to judicial custody on 24.04.2021 for an offence under Sections 147, 148, 294(b), 323, 324, 355, 506(ii) and 302 of IPC in Crime No.164 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 1st petitioner got married with the daughter of the defacto complainant in the year 2014 and they have two children. There was some matrimonial dispute between the 1st petitioner and his wife and the same was attempted to be sorted out by the defacto complainant and her husband along with relatives, for which, they went to the house of the petitioner. During mutual talks, there arose a wordy quarrel between the petitioners and the defacto complainant and her husband. During the dispute, the petitioners 1 to 4 were attacked the defacto complainant's husband and due to the same, he died. Hence, the present complaint.

3. The learned counsel appearing for the petitioners submitted that these petitioners have been falsely implicated in this case. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 24.04.2021 and they have already

suffered incarceration for more than 43 days.

4. The learned counsel for Government (Criminal Side) submitted that the 3rd and 4th accused were voluntarily surrendered before the learned Judicial Magistrate No.II, Athur on 28.04.2021. The learned counsel further submitted that Accused No.7 is still absconding and hence, he opposed to grant bail for the petitioners.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that these petitioners have already suffered incarceration for more than 43 day and dispute involved is a family dispute, this Court is inclined to grant bail to these petitioners subject to the following conditions.

(a) the petitioners are ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down 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, 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 Judicial 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.

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

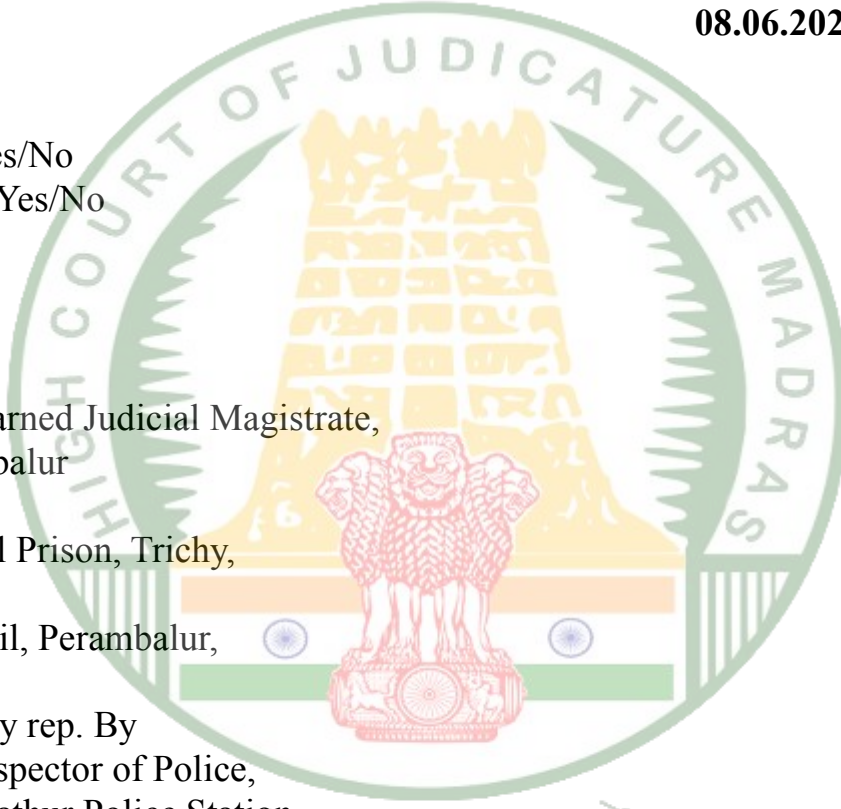
08.06.2021

Index: Yes/No
Internet: Yes/No

rka

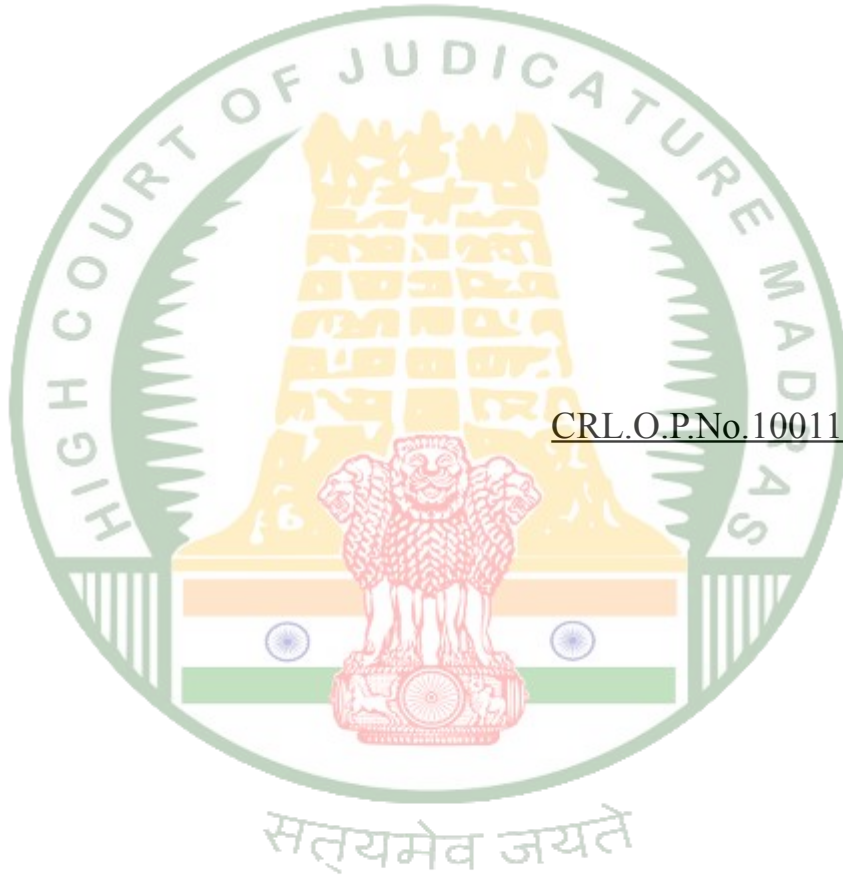
To

1. The learned Judicial Magistrate,
Perambalur
2. Central Prison, Trichy,
3. Sub-Jail, Perambalur,
4. State by rep. By
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
5. The Additional Public Prosecutor,
High Court of Madras.



WEB COPY

M.NIRMAL KUMAR, J.
rka



CRL.O.P.No.10011 of 2021

WEB COPY 08.06.2021