

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10079 of 2021

1. Prabakaran
2. Logeswaran
3. Dharmaraj
4. Sakthivel

..Petitioners

-Vs-

The State Rep. by
The Inspector of Police,
Thalavai Police Station,
Ariyalur District.
Crime No.60 of 2021

..Respondent

Prayer: Criminal Original petition filed under Section 439 of Cr.PC to enlarge the petitioners on bail in crime No.60 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Balu

For Respondent : Mr.E.Raj Thilak
Government Advocate
(Criminal Side)

O R D E R

सत्यमेव जयते

The petitioners, who were arrested and remanded to judicial custody on 19.04.2021 for the offence punishable under Section 302 of IPC in Crime No.60 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased was sleeping in the field owned by the second accused. When the accused persons questioned the deceased as to why he was sleeping there, due to which there was a quarrel between them. Initially, the deceased attacked the accused persons with knife, due to which the accused persons sustained injuries on their, head, leg and cheeks. Only to prevent the attack from the deceased, the accused persons used their hands

and attacked the deceased. Due to which, he sustained injuries. While he was brought to the hospital, he was declared dead. Hence, the complaint.

3. The learned counsel for the petitioners submitted that there are totally four accused, in which the petitioners are A1 to A4. When the deceased was sleeping in the field of the second petitioner herein, it was questioned by them. Immediately, the deceased attacked the petitioners with knife and due to which, they sustained injuries. In fact, they also lodged complaint and the same registered in Cr.No.59 of 2021 for the offences under Section 307 of IPC as against the deceased. Only to prevent the attack from the deceased, they attacked the deceased by their hands. Unfortunately, he died. He further submitted that the petitioners also sustained grievous injuries. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. side) submitted that it is case and case in counter. The petitioners also lodged complaint as against the deceased which was registered in Cr.No.59 of 2021 for the offences under Section 307 of IPC. When the deceased was sleeping in the farm owned by the second petitioner herein, and the same was questioned by the petitioners. Immediately, the deceased attacked the petitioners with knife, due to which they also sustained injuries. Therefore, the petitioners also attacked the deceased with their hands and due to which he sustained grievous injuries and died. Now the investigation is pending.

5. There are totally four accused, in which the petitioners are arrayed as A1 to A4. On the date of occurrence, namely 18.04.2021, when the deceased was sleeping in the farm owned by the second petitioner herein, the same was questioned by the petitioners. Immediately, the deceased attacked the petitioners with knife, due to which the petitioners sustained injuries. Only to prevent the untoward incident from the deceased, they attacked the deceased with their hands, whereas the deceased attacked them with knife. Therefore, there is no motive on the petitioners to murder the deceased. In fact, the petitioners also lodged complaint in Cr.No.59 of 2021 registered for the offences under Section 307 of IPC, which is pending.

6. Considering the facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest, 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 separately for a sum of Rs.25,000/- (Rupees twenty five thousand only) each before the Superintendent of the concerned prison;

[b] thereafter, the petitioners shall separately execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif cum Judicial Magistrate, Sendurai within a period of fifteen 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/06/2021

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 PRINCIPAL SESSIONS JUDGE,
ARIYALUR SESSIONS DIVISION, ARIYALUR.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SENDURAI.

3 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

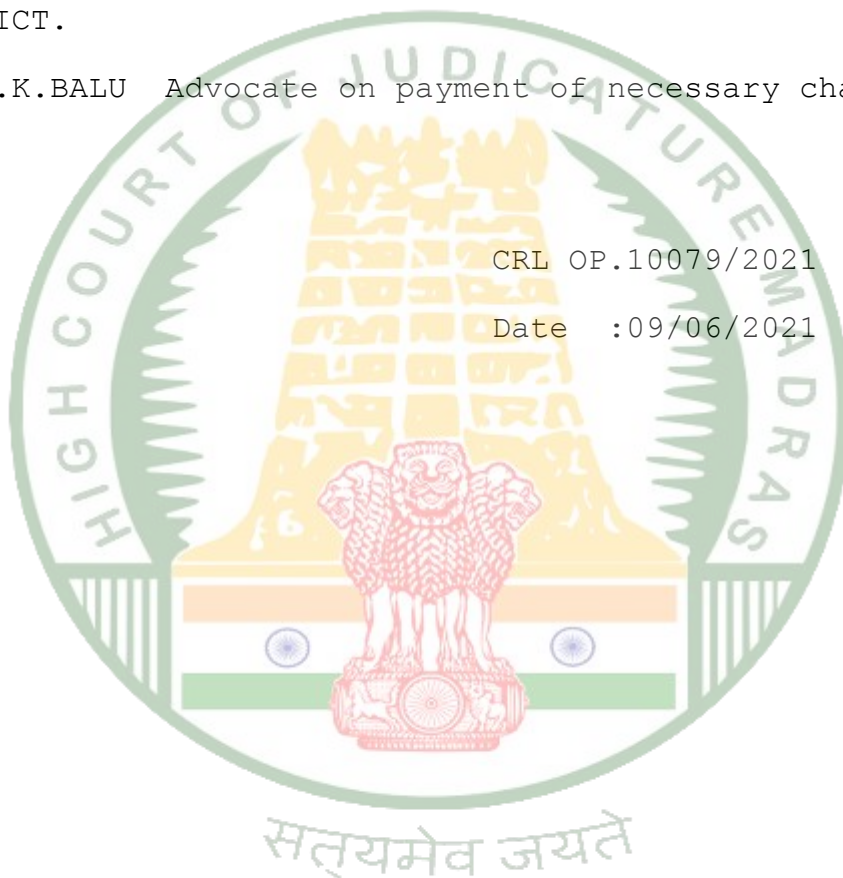
6 THE INSPECTOR OF POLICE
THALAVAI POLICE STATION,
ARIYALUR DISTRICT.

CC to M/S.K.BALU Advocate on payment of necessary charges

CRL OP.10079/2021

Date :09/06/2021

cs 10/06/2021



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