

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10286 of 2021

1.Kalaimaran  
2.Parthiban  
3.Subash  
4.Ranjith

... Petitioners/Accused

/versus/

State by Inspector of Police,  
Poombuhar Police Station,  
Nagapattinam.  
(Crime No.68 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.68.2021 on the file of the Inspector of Police, Poombuhar Police Station, Nagapattinam District.

For Petitioners : Mr.A.P.Sathyamoorthy

For Respondent : Mr.E.Raj Thilak  
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 26.04.2021 for the offence punishable under Sections 147,148,294(b),427, 324, 506(ii) of IPC and thereafter, altered into Sections 147,148,448,294(b), 427,324,506(ii) and 302 of IPC in Crime No.68 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to clash between two groups, there was a wordy quarrel arose between the petitioners group and the deceased group. Due to which, the petitioners attacked the deceased and the deceased sustained injury and subsequently, he died. There is a case in counter case in Crime No.69 of 2021 for the offence under Sections 147, 148, 448, 294(b), 427, 324, 506(ii) of IPC.

3.The learned counsel appearing for the petitioners would submit that there was a wordy quarrel arose between the petitioners group and the deceased group. Due to which, both the groups attacked each other. The petitioners group also sustained injury. The petitioners have lodged a complaint against the deceased group and the same was registered in Crime No.69 of 2021 for the offence under Sections 147, 148, 448, 294(b), 427, 324, 506(ii) of IPC. Further, he would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that there are totally 7 accused involved in this case. The petitioners are arrayed as A4 to A7. A1 to A3 are absconding till today. The occurrence took place on 08.04.2021. Initially the case was registered under Sections 147,148,448, 294(b), 427, 324, 506 (ii) of IPC and thereafter, altered into Sections 147, 148, 448, 294(b), 427, 324, 506(ii) and 302 of IPC. Due to clash between two groups, a wordy quarrel arose between them. Due to which, the petitioners attacked the deceased and he sustained greivous injury and immediately, he was taken to the hospital and he died. Further, he would submit that there is a case in counter case and investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the period of incarceration of imprisonment, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition that each of the petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison;

[b]thereafter, each of the petitioners shall execute two sureties(out of which one shall be blood related surety) for a sum of Rs.10,000/- (Rupees ten thousand only)each, before the concerned Magistrate within a period of fifteen days from lifting of lock down and commencement of regular function of the Court below, failing which the bail granted by this Court shall stand dismissed.

[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 stay at Chennai and report before the Egmore Police Station daily at 10.30 a.m in the morning and 05.00 p.m., in the evening for a period of four weeks and thereafter the the petitioner shall report before the respondent police daily at 10.30 a.m., in the morning and 05.00 p.m in the evening for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with 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].

[h] 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.

-sd/-

11/06/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
THARANGEMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE,  
DISTRICT PRISON, NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,  
POOMBUHAR POLICE STATION,  
NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,  
EGMORE POLICE STATION,  
CHENNAI.

+1CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary  
charges SR NO.6442

CRL OP.10286/2021

Date :11/06/2021

MK:14/06/2021



WEB COPY