IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10288 of 2021

1.Ezhumalai
2.Sathish
3.Chelladurai
4.Rajivgandhi ..Petitioners/Accused

/versus/

State by Inspector of Police,
Poombuhar Police Station,
Nagapattinam.
(Crime No.72 of 2021) ..Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.72 of 2021 on the file of the Inspector of Police, Poompuhar Police Station, Nagapattinam District.

For Petitioners :Mr.M.K.Subramanian

For Respondent :Mr.E.Raj Thilak
Government Advocate (Crl. 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 16.04.2021 for the offence punishable under Sections 147,148,294(b), 323,324, 427 and 302 IPC in Crime No.72 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was wordy quarrel arose between the two groups with regard to putting nets in the sea for catching fish. Due to which, the petitioners attacked the deceased and he sustained grevious injury and he died. Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that when the petitioners group and the deceased group were catching fish, the deceased fell accidentally on the floor of the boat into the sea and sustained severe head injury and passed away. No other persons in the boat got injured. They have been falsely implicated in this case and the incident has happened due to rough weather in the

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sea. Further, he would submit that the petitioner is in the judicial custody from 16.04.2021. Hence, he seeks bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that there are totally six accused involved in this crime. The petitioners are arrayed as A1 to A4. Co-accused/A5 and A6 were released on bail by the juvenile Court. There was previous enmity in respect of putting nets in the sea for fishing fish. Due to which on the date of occurrence, a wordy quarrel arose between two groups. Both the groups attacked each others in which the deceased sustained severe injury and he died. Investigation is pending.

5.It is seen that there was clashes between two fishermen groups in which the deceased sustained head injury and died. The petitioners are concerned, they were arrested and remanded to judicial custody from 16.04.2021. There was previous enmity between both the groups in respect of fishing in a particular area. Investigation is still pending. 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 Erode and report before Erode Town 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.

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[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

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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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE
STATE REP BY ITS INSPECTOR OF POLICE,
POOMBUHAR POLICE STATION, NAGAPATTINAM.

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6 THE OFFICER INCHARGE,
ERODE TOWN POLICE STATION,
ERODE

CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary charges Sr.6441

CRL OP.10288/2021

Date :11/06/2021

RVR 14/06/2021

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