

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10505 of 2021

1.Sukundhan

2.Santhosh

... Petitioners/Accused Nos.2 and 6

-Vs-

State by the Inspector of Police

Poombuhar Police Station

Poombuhar

Nagapattinam District.

(Crime No.68 of 2021)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.68 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.K.Subramanian

For Respondent : Mr.C.E.Pratap

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 324 and 506(ii) of IPC which is non-bailable offence registered on 09.04.2021 and same was altered to 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 anticipatory 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 in Crime No.69 of 2021 for the offence under Sections 147, 148, 448, 294(b), 427, 324 and 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 and 506(ii) of IPC. He would further submit that co-accused were arrested and released on bail by this Court in CrI.O.P.No.10286 of 2021 dated 11.06.2021. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) would submit that there are totally seven accused involved in this Case. The petitioners are arrayed as A2 and A6. The occurrence took place on 08.04.2021. Initially the case was registered under Sections 147, 148, 294(b), 324 and 506(ii) of IPC which is non-bailable offence registered on 09.04.2021 and same was altered to 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 grievous injury and immediately, he was taken to hospital where he died. Further, he would submit that there is a case in counter case. He would further submit that there are previous cases pending against the first petitioner/A2. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the allegations and also the bad antecedent of the first petitioner/A2, this Court is not inclined to grant anticipatory bail to the first petitioner/A2 and inclined to grant anticipatory bail to the second petitioner/A6 subject to certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Tharangampadi, Nagapattinum District, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]; and;

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

-sd/-
16/06/2021

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, THARANGAMPADI,
NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOMBUHAR POLICE STATION,
POOMBUHAR, NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10505/2021

Date :16/06/2021