

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11181 of 2021

1.Ragul
2. Senthamarai
3. Ramesh
4. Elavarasan

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Ramanatham Town Police Station,
Cuddalore District.
Crime No.128 of 2021.
... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.128 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.M.Selvam

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioners, who were arrested on 07.05.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of IPC in Cr.No.128 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on an earlier occasion, the petitioners teasing one Priya and her husband at temple. When the defacto complainant and his brother asked the act of the petitioners, there arose a wordy quarrel and both the parties attacked with each other and petitioners attacked the defacto complainant's brother with iron rod and he sustained grievous head injury and admitted in the hospital and subsequently, he died. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 07.05.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that due to previous enmity, the petitioners attacked the defacto complainant and his brother with iron rod. The defacto complainant's brother got serious head injury and later, he died and investigation has almost been completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts of period of incarceration suffered by the petitioners and investigation has been completed and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Cuddalore, in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tittagudi;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners shall not abscond either during investigation or trial;

(h)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]; and;

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

-sd/-
07/07/2021

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 JUDICIAL MAGISTRATE,
TITTAGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
RAMANATHAM TOWN POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

CRL OP.11181/2021

Date :07/07/2021

MN-08/07/2021