



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12524 of 2021

1.Gnanavel
2.Thulasi
3.Santhosh
4.Perumal Siva

.. Petitioners

Vs.

State By
The Inspector of Police,
Kandili Police Station,
Cr.No.153 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner petitioner on bail in connection with the Crime No.153 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Rajendiran

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 09.06.2021 for the offence under Sections 147, 294(b), 302, 323, 354, 506(i), 302 of I.P.C r/w Section 4 of Women Harassment Act in Crime No.153 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a quarrel between the petitioner and the defacto complainant's husband and the petitioner along with other accused attacked and caused the death of the deceased. Based on the complaint given by the wife of the deceased, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the deceased only died to Heart attack. He further submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case and he is judicial custody from 09.06.2021. He further submits that this Court had already granted bail to the co-accused in Cr1.O.P.No.13046 of 2021 dated 28.07.2021 Hence he prays for grant of bail to the petitioner.



4.The learned Government Advocate submitted that the petitioner along with other accused attacked the husband of the defacto complainant and caused his death. Hence he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and this Court had already granted bail to the co-accused and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate-II, Thirupattur, and on further condition that:

(a)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;

(b)the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders.

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

(d)the 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 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;

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

-sd/-

02/08/2021

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.



1 THE JUDICIAL MAGISTRATE, NO. II,
THIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION.

4 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12524/2021

Date :02/08/2021

APN 03/08/2021