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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13147 of 2021

1. P.Suresh (Male aged 25 years) ... Petitioners
Son of Periyasamy,

2. Ramesh kumar (Male aged 28 years)
Son of Ganesan,

Vs.

The State of Tamil Nadu, ... Respondent
Rep by the Inspector of Police,
Konganapuram Police Station,
Konganapuram,
Salem District.
(Crime No.133 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.133 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Selvaraj

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

ORDER

The petitioners who were arrested on 18.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 323, 341, 448, 302 and 506(2) of IPC, in Crime .No.133 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 2nd son of the deceased viz, Prakash eloped with the daughter of A2 and A3. Due to this there was communal clash and that the petitioners along with other accused persons went to the defacto complainant's house and attacked the father of the defacto complainant with deadly weapons and cut the throat of the deceased with knife. He was admitted to the hospital, where he died. Hence, the complaint,

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 18.06.2021. He further submits that the petitioners are arrayed as A9 and A11 and there is no specific overt act



attributed against them. He further submits that the allegations only against A1 to A3. He further submits that co-accused had already been granted bail by this Court in CrI.O.P.No.12886 of 2021 dated 27.07.2021. Therefore, he prays to grant bail to the petitioners.

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4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the petitioners are available in the scene of occurrence and there is no specific overt act attributed against them. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no specific overt act attributed against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the District Munsif-cum-Judicial Magistrate, Edappadi, 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(d) the petitioners 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/-

29/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
KONGANAPURAM,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SELVARAJ Advocate on payment of necessary
charges SR.NO.7895

CRL OP.13147/2021

Date :29/07/2021

INBA 30/07/2021