



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.15202 of 2021

1.Murugesan
2.Ramalingam

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
(Crime No.358 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail concerned in Crime No.358 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.M.N.Balakrishnan

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

O R D E R

The petitioners who were arrested and remanded to judicial custody on 11.07.2021 for the offence under Sections 147, 148, 294(b), 324 and 302 of I.P.C. in Crime No.358 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that there was quarrel inbetween the petitioners family and one Kalaiarasan family and the deceased went to pacify the same, however, the petitioners along with the other accused are alleged to have committed murder of the deceased.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they were simply available at the scene of occurrence.



4.The learned Government Advocate (Criminal Side) submitted that the petitioners along with the other accused are alleged to have committed murder of the deceased and investigation is still pending and vehemently opposed for grant of bail to the petitioners.

5.Considering the fact that there is no motive for committing murder and the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Cum Judicial Magistrate Court, Sendurai 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. for a period of two weeks and thereafter as and when required for interrogation;

(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 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/-

25/08/2021

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 DISTRICT CUM JUDICIAL MAGISTRATE COURT,
SENDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.9105

CRL OP.15202/2021

Date :25/08/2021

INBA 26/08/2021