



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17646 of 2021

1.Hemaprasath
2.Kesavan
3.Girivasan
4.Harish

... Petitioners/Accused 1 -4

Vs.

State Rep. by
The Inspector of Police,
Arcot Taluk Police Station,
Arcot Taluk,
Ranipet District
(Crime No.200 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 Crime No.200 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.P.Arthi

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

O R D E R

The petitioners who were arrested on 28.07.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 324, 506(ii) and 302 of IPC in Crime No.200 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is as per the defacto complainant is that when they were celebrating the village festival, at that time the petitioners and other persons entered into the scene of occurrence and starting dancing and the same was opposed by the defacto complainant. Due to which both sides attacked each other and the petitioner assaulted the deceased with broken beer bottle in the neck of the deceased, as a result of which the deceased died. Hence the law enforcing agency 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 28.07.2021. He further submits that there is no specific overtact against the petitioner and these petitioners have nothing to do with the alleged offence. He further submits that the petitioners filed bail application before the learned Principal Sessions Judge, Vellore, Vellore District in CrI.MP.No.3236 of 2021 and the same was dismissed on 04.09.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioners have involved in group attack and caused serious injuries to the deceased. Hence 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 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 learned District Munsif cum Judicial Magistrate, Arcot 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.

WEB COPY

-sd/-

23/09/2021

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, ARCOT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARCOT TALUK POLICE STATION,
ARCOT TALUK, RANIPET DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

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

CRL OP.17646/2021

Date : 23/09/2021

APN 24/09/2021