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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21853 of 2021

1.Ramachandran
2.Udhayasanthuru
3.Muniyasamy

..Petitioners

Vs.

The State Represented by
Inspector of Police
Perumanallur Police Station
Tiruppur District
(Crime No.783 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail concerned in Crime No.783 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 28.09.2021 for the offences under Sections 147, 148, 294 (b), 324, 506(ii) and 302 IPC in Crime No.783 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 is running a TASMAL Bar and the petitioners are employees under A1. The deceased used to demand rowdy mamool and also forced to supply liquor at free of cost. Enraged by the same, on 27.09.2021 at about 9.30 a.m., the petitioners along with A1 attacked the deceased with wooden log and caused his death. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are poor wage earning employees under A1 and they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for about 50 days from 28.09.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are arrayed as A2, A3 and A4 and they are workers under A1 and that the main accused/A1 has been detained under Act 14 of 1982 and the investigation is yet to be completed.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by 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 separate bonds 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 Judicial Magistrate, Avinashi, and on further conditions 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, on every Tuesday and Saturday 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.

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-sd/-
19/11/2021

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,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.21853/2021

Date :19/11/2021

RW 22/11/2021