



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

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CORAM:

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

Cr1.O.P.No.21704 of 2021

1.Ramesh
2.Thiyagarajan
3.Deenathayalan

... petitioners

Vs.

The State rep by
Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.1752 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.1752 of 2021 on the file of Inspector of Police, Mayiladuthurai Police Station, Mayiladuthurai District.

For petitioners : Mr.Swami Subramanian

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

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 27.09.2021 for the offences under Sections 294(b), 323 and 307 of IPC @ 294(b), 323 and 302 of IPC, in Crime No.1752 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 26.09.2021 at about 7.00 p.m, the petitioners attacked the deceased and abused him with filthy language due to which, the deceased sustained injuries and taken to the Hospital and after 10 days, he succumbed to the injuries. Hence the complaint.



3. The learned Counsel for the petitioners submitted that out of wordy quarrel, the occurrence happened and there was no ill motive to attack the deceased and the petitioners have been suffering incarceration for more than 50 days from 27.09.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are arrayed as A1 to A3 and they all were working in a Government Hospital and the deceased was also working in the said Hospital as a dressing attender and on the date of occurrence, during a quarrel the occurrence happened. He would further submit that the investigation is almost 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-I, Mayiladuthurai, Mayiladuthurai District, 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 every Saturday at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation of 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 NO.I,
MAYILADUTHURAI, MAYILADUTHURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21704/2021

Date :19/11/2021

CSK 22/11/2021