



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.23977 of 2021

1.Selvam
2.Pazhani

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi
Cr.No.811 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.811 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Karthik

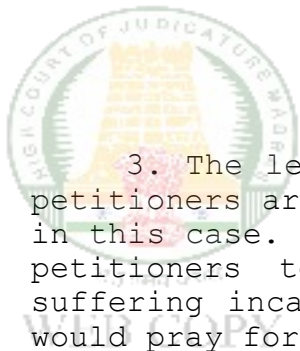
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 01.10.2021 for the offences under Section 294(b), 323, 324, 341, 506(ii) and 302 of IPC, in Crime No.811 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 30.09.2021, the defacto complainant not paid the interest amount towards the hand loan of Rs.50,000/- which he had availed from the petitioner due to that, there was a wordy quarrel during which, the petitioner abused and assaulted the defacto complainant's son by wooden stick and subsequently, on the next day he died. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was no motive for the petitioners to kill the deceased and the petitioners have been suffering incarceration for more than 70 days from 01.10.2021 and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating there are totally two accused in this case and the petitioners are arrayed as A1 and A2. Due to money dispute there was a quarrel between the parties during which, the defacto complainant's son was assaulted by the petitioners and admitted in the hospital and subsequently, on the next day, he died.

5. Considering the facts and circumstance of the case and 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, Sankarapuram, 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 Sunday 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/-
13/12/2021

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,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
KALLAKURICHI

4 THE OFFICER INCHARGE,
SUB-JAIL, KALLAKURICHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.KARTHIK Advocate on payment of necessary charges
SR.NO. 14625

CRL OP.23977/2021

Date :13/12/2021

JPA 14/12/2021