



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

Crl.O.P.No.23134 of 2021

1.Babu
2.Hemanathan
3.Loganathan

... Petitioners

Vs.

The State by
The Inspector of Police,
Thiruthani Police Station,
Thiruthani, Tiruvallur District.
Crime No.1196 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 the Crime No.1196 of 2021 pending on file of the Inspector of Police, Thiruthani Police Station, Thiruthani, Tiruvallur District. .

For Petitioners : Mr.C.Prakasam

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 03.11.2021 for the offences under Sections 448 and 302 of IPC, in Crime No.1196 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the de facto complainant is working as a Deputy Tahsildar and his sister's son namely Sudhakar was attacked by the petitioners and subsequently, he died in the hospital. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are close relatives of the deceased. He would further submit that on the date of occurrence the deceased was in a drunken mood and quarrelled with the public in the street and fell down on the rubbish dumped on the road side and sustained injury and the petitioners are no way connected with the alleged offence and that the petitioners have been suffering incarceration for more than 25 days from 03.11.2021. Hence, he seekd for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to previous enmity, the petitioners attacked attacked the deceased due to which, he died but admits that all the accused have been arrested and the investigation is almost completed.

5. Considering the fact that at the time of occurrence the deceased was in a drunken mood and all are family members 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, Thiruthani, Tiruvallur 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 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.

-sd/-
02/12/2021

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,
THIRUTHANI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUTHANI, TIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRAKASAM Advocate on payment of necessary charges
SR.NO.13887

CRL OP.23134/2021

Date :02/12/2021

JPA 02/12/2021