



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

CrI.O.P.No.23906 of 2021

1. Sathishkumar
2. Balaji
3. Dhatchanamoorathi

.. Petitioners

Vs.

State Rep.by
The Inspector of Police,
Arakkonam Police Station,
Vellore District.
(Crime No.345 of 2021)

...Respondent

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.345 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 14.10.2021 for the offences under Sections 147, 148, 294 (b), 307, 448 of IPC and later altered into 302 of IPC in Crime No.345 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are six accused involved in this case and that the petitioners and the defacto complainant are relatives. Due to previous enmity regarding family dispute, the petitioners along with co-accused assaulted the defacto complainant's wife with reeper wood on the backside of the head and scolded her in filthy language and caused injuries on her and subsequently she died in the hospital.Hence, the complaint.



3. The learned counsel for the petitioners submits that the first petitioner's sister namely Revathi is daughter-in-law of the defacto complainant. On that date of occurrence, there was a wordy quarrel between both the families. During the quarrel, the first petitioner viz., Sathishkumar/A1 who is the brother of the said Revathi (A5) slightly pushed the deceased when she tried to assault his old age mother, at that time, she fell down in a rock and got blood injuries which led to her demise after taking treatment for more than 14 days. He further submits that the defacto complainant and his family members brutally attacked the first petitioner and his sister and father and they were taking treatment at Government Hospital. He further submits that the petitioners are no specific allegation against them and they attacked with the deceased. He further submits that there was a case in counter in Crime No.346 of 2021. He further submits that the petitioners have been suffering incarceration for more than 55 days from 14.10.2021. Hence he prays to grant bail to the petitioners.

4. The learned Government Advocate submits that due to previous enmity regarding family dispute, the petitioners along with co-accused assaulted the defacto complainant's wife with reeper wood on the backside of the head and scolded her in filthy language and caused injuries on her and subsequently she died in the hospital. He further submits that all the accused involved in this case were arrested and remanded to judicial custody and he further submits that the the investigation was almost completed. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of case and also considering the period of incarceration suffered by the petitioners and also the fact the investigation was almost completed, 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 bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Arakkonam, 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 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/-

09/12/2021

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,
ARAKKONAM.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.14432

CRL OP.23906/2021

Date :09/12/2021

RW 09/12/2021