



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23488 of 2021

1.BOOBALAN
2.KARTHIKEYAN

... Petitioners

Vs.

State by its
Inspector of Police
B3 Kanchi Taluk Police Station
Kanchipuram
Kanchipuram District
(Crime No.1537 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.1537 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar

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 04.10.2021 for the offences under Sections 294(b), 302, 323 and 324 of IPC in Crime No.1537 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to money dispute, the defacto complainant's brother was assaulted by the accused due to which, he sustained injuries and died and during the incident, one Balaji who is the friend of the deceased sustained injuries. 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 submit that due to sudden provocation, the incident happened and no weapon was used and that



the petitioners have been suffering incarceration for more than 60 days from 04.10.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection stating that due to previous enmity, the occurrence had happened and both the accused have been arrested but admits that the investigation is almost completed.

6. 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-II, Kanchipuram, Kanchipuram 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/-

07/12/2021

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-II,
KANCHIPURAM, KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B3, KANCHI TALUK POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.14179

CRL OP.23488/2021

Date :07/12/2021

CSK 07/12/2021