



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Crl.O.P.No.23530 of 2021

WEB COPY

1. KRISHNA KUMAR
2. LAL VISHNU
3. VANMUGILAN

... Petitioners

Vs.

State Rep. by
The Inspector of Police
Thirupathur Town Police Station
Thirupathur District
(Vellore District)

... 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.636 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasn

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

COMMON ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 05.11.2021 for the offences under Sections 109, 294(b), 34, 323, 302 of IPC in Crime No.636 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant is the younger sister of the deceased. Few years ago, the deceased was running an Iron Shop Industry. While so, Al who is the elder brother of the deceased along with other accused created problem and forcibly taken possession of the said business. While so, on 05.11.2021 while the deceased was passing through their shop, the accused persons abused and attacked the deceased and also kicked on his chest due to which, he got fainted. On seeing the same, one Arul with the help of his friend one Logu taken the deceased to hospital where he was declared as brought dead. Hence, the complaint.



3. The learned Counsel for the petitioners would submit that the petitioners/A3 to A5 are innocent persons and they have been falsely implicated in this case. Even as per prosecution, during a wordy quarrel the occurrence had happened and there is no motive for the petitioners to cause the death of the deceased and they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for more than 30 days from 05.11.2021 and he would seek for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to enmity in respect of civil dispute between the family members, the occurrence happened but admits that all the accused have been arrested and the investigation is almost completed.

5. Considering the fact that all the accused have been arrested and 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, Thiruppathur, 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.

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-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 NO.I,
THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
THIRUPPATHUR DISTRICT.
(VELLORE DISTRICT).

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.14203

CRL OP.23530/2021

Date :07/12/2021

MK:07/12/2021