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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Crl.O.P.Nos.23471 and 23525 of 2021

RAVINDAR ...Petitioner in Crl.O.P.No.23471 of 2021
JAYAVEL ... Petitioner in Crl.O.P.No.23525 of 2021

Vs.

State Rep. by
The Inspector of Police
Thirupathur Town Police Station
Thirupathur District (Crime No.636 of 2021)
(Vellore District) ...Respondent in both Crl.O.Ps.

COMMON 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 Petitioner in Crl.O.P.No.23471 of 2021 : Mr.E.Kannadasn
For Petitioner in Crl.O.P.No.23525 of 2021 : Mr.A.Arun

For Respondent in both Crl.O.Ps. : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

COMMON ORDER

(The case has been heard through video conference)

In Crl.O.P.No.23471 of 2021, the petitioner who was 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 seeks bail.

In Crl.O.P.No.23525 of 2021, the petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 109, 294(b), 323, 302 and 34 of IPC in Crime No.636 of 2021, on the file of the respondent police seeks 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, A1 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 petitioner in Crl.O.P.No.23471 of 2021 would submit that the petitioner/A1 is the elder brother of the deceased and he is an innocent and no way connected with the alleged offence. The petitioner was not even present at the scene of alleged occurrence. The only allegation against the petitioner is that on his instigation, the other accused attacked the deceased and that the petitioner has been suffering incarceration for more than 30 days from 05.11.2021 and he would seek for grant of bail to the petitioner.

4. The learned Counsel for the petitioner in Crl.O.P.No.23525 of 2021 would submit that the petitioner/A2 is an innocent and he is no way connected with the alleged offence. The petitioner who is aged about 67 years is a Chronic Diabetic patient and he who could not even walk properly and that he has been falsely implicated in this case due to enmity in respect of civil dispute between the family members. He would further submit that the deceased was a Chronic heart patient and he died due to heart attack and not as projected by the prosecution and that the petitioner has been suffering incarceration for more than 30 days from 06.11.2021 and he would seek for grant of bail to the petitioner.

5. 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.

6. 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.

7. 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;

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(b) the petitioner in CrI.O.P.No.23471 of 2021 shall report before the respondent police on every Sunday at 10.30 a.m. until further orders.

(c) the petitioner in CrI.O.P.No.23525 of 2021 shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) 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

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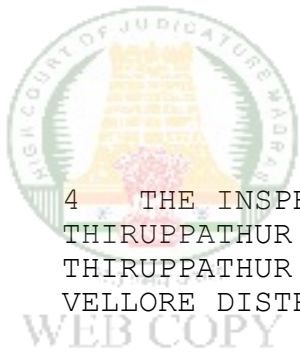
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUPPATHUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [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.

+2 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.14202 & 14204

+1 CC to M/S.ARUN ANBUMANI Advocate on payment of necessary
charges SR.NO.14236

CRL OP.Nos.23471 and 23525/2021

Date :07/12/2021

RW 07/12/2021