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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

Crl.O.P.Nos.24266 and 24272 of 2021

S.Rathinam .. Petitioner in Crl.O.P.No.24266 of 2021

1. M.Ravi
2. P.Elumalai

... Petitioners in Crl.O.P.No.24272 of 2021

Vs.

The State of Tamil Nadu
rep. by the Sub-Inspector of Police
Nallan Pillai Petral Police Station
Nallan Pillai Petral Village
Gingee Taluk
Villupuram District - 604 152
(Crime No.384 of 2021)

...Respondent

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.384 of 2021 on the file of the respondent police.

In both Crl.O.Ps.

For Petitioners : Mr.J.Selvarajan

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 14.11.2021 for the offences under Section 442, 294(b), 341 and 302 of IPC, in Crime No.384 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners along with other accused assaulted the deceased who is mentally unsound person with stones on his head as a result of which, he died. Hence, the father of the deceased lodged 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. A1 and A2 have already been granted bail by this Court and that the petitioners have been suffering incarceration for more than 30 days from 14.11.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioners along with others had a wordy quarrel with the deceased during which, they assaulted the deceased with stones due to which, he died. He would further submit that there are totally 5 accused in this case and the petitioners are arrayed as A3, A4 and A5. A3 is the mother of A1&A2 and that A4 and A5 are their relative but admits that A1 and A2 have been granted bail by this Court in Crl.O.P.No.20477 of 2021 and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the investigation is almost completed and that A1 and A2 have been granted bail by this Court 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, Gingee, Villupuram 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 in Crl.O.P.No.24272 of 2021 shall report before respondent police on every Tuesday and Saturday at 10.30 a.m. until further orders;

The petitioner in Crl.O.P.No.24266 of 2021 shall report before the respondent police as and when required for interrogation.

(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/-
14/12/2021

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,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
NALLAN PILLAI POLICE STATION,
NALLAN PILLAI PETRAL VILLAGE,
GINGEE TALUK,
VILLUPURAM DISTRICT -604 152

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, GINGEE, VILLUPURAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.J.SELVARAJAN Advocate on payment of necessary
charges SR.NO. 14684 + 14685

CRL OP.NOs.24266 & 24272/2021

Date :14/12/2021

CSK 14/12/2021