



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1299 of 2022

Sukundhan

...Petitioner

Vs.

State by
The Inspector of Police,
Poombuhar Police Station,
Poombuhar
Nagapattinum District
(Crime No. 68 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, in Crime No. 68 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.M.K.Subramanian

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

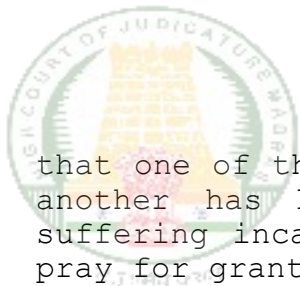
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 147, 148, 448, 294(b), 427, 324, 506(ii) of IPC and the same was altered to Sections 147, 148, 294(b), 324, 506(ii) and 302 IPC in Crime No. 68 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, there was a wordy quarrel due to mishit of the boat of the defacato complainant and A1 which was then reported to Village Panchayat and thereafter, both the parties attacked each other causing injury to some persons among which one of the person died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit



that one of the co-accused has been granted anticipatory bail and one another has been granted bail and that the petitioner has been suffering incarceration for 60 days from 25.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that there are totally 7 accused involved in this case and the petitioner is arrayed as A2 and that out of wordy quarrel, the alleged occurrence had happened. Initially the case was registered for the offence under Section 506 (ii) IPC and later altered into Section 302 IPC as the injured was succumbed to injuries after 20 days of treatment and that two rival gangs are involved in this case but admits that the investigation is almost completed.

5. Considering the fact above facts and circumstances of the case and that the investigation is almost completed and the co-accused have been granted bail and anticipatory bail respectively and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif cum Judicial Magistrate, Tharangembadi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

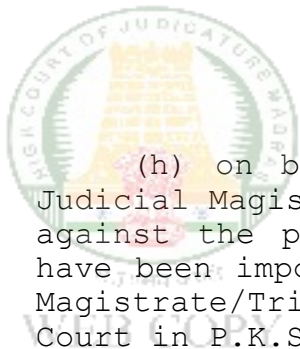
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

27/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THARANGEMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOMBUHAR POLICE STATION, POOMBUHAR,
NAGAPATTINAM DISTRICT.

4 THE SUPERINTENDENT,
DISTRICT PRISON, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.K.SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.1299/2022

Date :27/01/2022

CSK 28/01/2022