



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.302 of 2022

WEB COPY

1.Somu @ Somasundharam
2. Revathi
3. Neelamegam

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.
(Crime No: 345 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.345 of 2021 pending on the file of the respondent police.

For Petitioners : M/s.R.Sasikumar

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

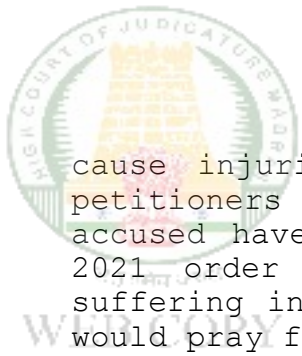
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 19.12.2021 for the offences under Sections 147, 148, 294(b), 307, 448 of IPC @ Sections 147, 148, 294(b), 448 and 302 of IPC, in Crime No.345 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives. Due to previous enmity regarding family dispute, on 14.10.2021 at about 17.00 hrs, the petitioners along with others assaulted the defacto complainant's wife with reeper wood on the backside of her head and scolded her in filthy language due to which, she sustained injuries and died. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and during a wordy quarrel, the deceased fell down and sustained injuries and that there is no motive for the petitioners to



cause injuries to the deceased. He would further submit that the petitioners have been falsely implicated in this case and the co-accused have already been released on bail in CrI.O.P.No.23906 of 2021 order dated 09.12.2021 and that the petitioners have been suffering incarceration for about 32 days from 19.12.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for respondent would raise objection but admits that the investigation is almost completed and the co-accused have been granted bail.

5. Considering the facts and circumstances of the case and the fact that the co-accused have been released on bail 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.

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

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Arakkonam, 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;

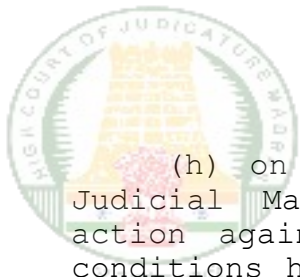
(d) the 1st and 3rd petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. until further order;

the 2nd petitioner shall report before the respondent police as and when required for interrogation;

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

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

(g) the petitioners 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 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];

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

-sd/-

21/01/2022

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 JUDICIAL MAGISTRATE,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges
Sr.948

CRL OP.302/2022

Date :21/01/2022

RVR 24/01/2022