



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2382 of 2022

WEB COPY

1.Vigesh @ Karima
2. Manoj
3. Manu @ Mano

...Petitioners

Vs.

State by
The Sub Inspector of Police,
Arani Town Police Station.
(Crime No. 1089 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 1089 of 2021 on the file of the Respondent police.

For Petitioners : M/S V.SUBRAMANIAN
For Mr.V.M.Venkataramana

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

O R D E R

(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 341, 294(b), 323,324, 307 and 506(ii) of IPC altered with Section 302 of IPC in Crime No.1089 of 2021,on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 04.11.2021, A1 and A2 had wordy quarrel with the deceased Manikandan and finally they both attacked the deceased on his head by brick. Thereafter, A3 and A4 who were passing the scene of occurrence joined A1 and A2 in attacking the deceased Manikandan and thereby the deceased Manikandan succumbed to injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the 3rd application for bail and the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would further submit that the deceased is a notorious person and he has got several enemies and the petitioners are no way connected with the alleged offence and



that the petitioners have been suffering incarceration for more than 85 days from 05.11.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that there are totally 4 accused in this case and the petitioners are arrayed as A1, A2 and A4. On the date of occurrence, they consumed alcohol and out of wordy quarrel, they attacked the deceased and committed the murder of the deceased but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and that 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 are 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) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Arani, 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 petitioners shall report before the respondent police daily at 5 p.m. for a period of two months and thereafter, 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.

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

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-sd/-

02/02/2022

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,
ARANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
ARANI TOWN POLICE STATION,
THIRUVANNAMALAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.V.M.VENKATARAMANA Advocate on payment of necessary charges Sr.1660

CRL OP.2382/2022

Date :02/02/2022

RVR 03/02/2022