



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2733 of 2022

1.S.Dhatchanamoorthy
2.T.Punniyakotti
3.T.Sivakumar

... Petitioners

Vs.

State represented by
The Inspector of Police,
Sriperumbudur Police Station.
(Crime No. 1388 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 pending investigation in Crime No. 1388 of 2021 on the file of the Respondent police.

For Petitioners : Mr.A.Saranraj

For Respondent : Ms.G.V.Kasthuri
(Additional Public Prosecutor)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 13.12.2021 for the offence under Section 302 of IPC in Crime No. 1388 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 and one Chandrasekar were quarreling with each other in front of the house of the defacto complainant and on seeing the same, the husband of the defacto complainant went to pacify them. Aggrieved by the same, the petitioners fisted on the chest of the husband of the defacto complainant in a forcible manner and pushed



him on the road and thereby, he sustained sever head injury on the back side of his head. Subsequently, the all the petitioners forcibly kicked him on his chest and stomach repeatedly due to which, he died on the way to hospital. Hence, the complaint

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they 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 petitioners have been suffering incarceration for more than 55 days from 13.12.2021 and the investigation is almost completed and therefore, the custodial interrogation of the petitioners may not be required. Hence, he would pray for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police fairly admits that the petitioner is having permanent address and the investigation is almost completed.

5. The submissions made by the learned Counsel on either side is considered.

6. Taking into consideration that the petitioners are in judicial custody from 13.12.2021 and part of the investigation has already been completed and therefore, the custodial interrogation of the petitioners may not be necessary. Hence, his 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, Sriperumbudur, 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;



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(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 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/-
07/02/2022

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
SR.NO.2030

CRL OP.2733/2022

Date :07/02/2022

JPA 08/02/2022