



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

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

Cr1.O.P.No.3457 of 2022

1.Kalayarasan
2.Sathish
3.Nandakumar @ Nandhakumar

... Petitioners

Vs.

State Represented by Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Ranipet District.
(Crime No.398 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.398 of 2021 pending on the file of the respondent.

For Petitioners : Mr.Sridhar

For Respondent : Mr.L.Baskaran
Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 147, 148, 294(b), 341, 506(ii) and 302 IPC read with 3(1) of PPD Act 1984 in Crime No.398 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the daughter of A1 and the deceased were in love with each other and the same was opposed by A1 and his wife. Hence, the daughter of A1 committed suicide before 2 years. Hence, there was enmity between them. While so, on 16.12.2021 at 11 p.m., the deceased drove a JCB and damaged the compound wall and front gate of A1's house. On hearing the noise, A1, A2 and the petitioners came out and attacked the deceased by using deadly weapons due to which, the sustained injuries and died on the next day i.e. 17.12.2021. Hence, the case.



3.The learned counsel for the petitioners would submit that this is the second application for bail and the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and the petitioners have been suffering incarceration for more than 50 days from 17.12.2021. Hence, he pray for grant of bail to the petitioners.

4.The learned Government Advocate (Cr1. Side) would raise strong objection stating that there are totally 5 accused in this case and the petitioners are arrayed as A3 to A5 and they are neighbours of A1 and A2 who are father and son and that they also associated A1 and A2 and attacked the deceased. He would further submit that the deceased and the daughter of A1 were in love with each other and since it was opposed by A1, the daughter of A1 committed suicide. Thereafter, the deceased married another girl and hence, on the date of occurrence, A1 and A2 along with the petitioners chased the deceased while he was driving JCB and attacked him with deadly weapons and thereby, he sustained injuries and died.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and that the investigation is almost completed and also the fact that the A1's daughter committed suicide since she had some grievance and not because of this petitioners, Who are neighbours, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees TenThousand only) each with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Arakkonam, Ranipet District.

(b)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;

(c) the petitioner shall report before the respondent police daily at 10.20 a.m., for a period of two months and thereafter as and when required for interrogation;

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

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



(f) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

11/02/2022

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,
ARAKKONAM, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
NEMILI POLICE STATION,
NEMILI TALUK,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

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

CRL OP.3457/2022

Date :11/02/2022

RVR 14/02/2022