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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.5192 of 2022

1.Tamil Anban
2.Thangavel
3.Kumaresan

... Petitioners / Accused

versus

State rep. by
The Sub-Inspector of Police
Mallur Police Station,
Salem District.
(Crime No:460 of 2021)

... Respondent /
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.460 of 2021 on the file of the respondent police.

For Petitioners : M/s.S.Sengkodi

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 20.12.2021 for the offences punishable under Sections 147, 148, 302, 307, 323, 324 of IPC and subsequently altered into Sections 147, 148, 302, 307, 323, 324 and 120(b) of IPC in Crime No.460 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to previous enmity, the petitioners along with other accused attacked the de facto complainant by using knife. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. She would further submit that, in the alleged



FIR, nothing has been stated against the petitioners. Further, they have been arrested only based upon the confession statement given by the other accused. It is her specific submission that the petitioners are in judicial custody from 20.12.2021 onwards. Hence, she prays for bail.

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4. The learned Government Advocate (crl.side) appearing for the respondent police raised objection stating that investigation is pending. He would submit that the petitioners have no previous cases. However, he opposed for grant of bail to the petitioners.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioners for the offences punishable under Sections 147, 148, 302, 307, 323, 324 of IPC and subsequently altered into Sections 147, 148, 302, 307, 323, 324 and 120(b) of IPC. The averments found in the First Information Report would disclose the fact that, for the murder committed in the year 2020, the group arranged on the side of the petitioners, in order to take vengeance, attacked the deceased and committed murder. Though the number of persons participated and attacked the de facto complainant was clearly mentioned in the First Information Report, in respect of the present petitioners, nothing has stated. Further, the petitioners are in judicial custody from 20.12.2021 onwards.

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioners are in incarceration from 20.12.2021 onwards, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Salem;

(b) 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;

(c) the petitioners are directed to appear before the Sivakasi Town Police Station daily at 10.00 a.m. until further orders;

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



(e) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

-sd/-

07/03/2022

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,
NO.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE SUB INSPECTOR OF POLICE
MALLUR POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,/STATION HOUSE OFFICER,
SIVAKASI TOWN POLICE STATION,
SIVAKASI.

+1 CC to M/S.S.SENGKODI Advocate on payment of necessary charges
SR.NO. 3480

CRL OP.5192/2022

Date :07/03/2022

RW 08/03/2022