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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.7921, 7929 & 7934 of 2022

Palani	.. Petitioner in Crl.O.P.No.7921 of 2022
Mani @ Arunagiri	.. Petitioner in Crl.O.P.No.7929 of 2022
P.S.Kumaravel @ Kumaran	.. Petitioner in Crl.O.P.No.7934 of 2022

Vs.

The State rep. by
The Inspector of Police,
Puzhal Police Station,
Madhavaram District.
(Crime No.372 of 2022)

.. Respondent in all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.372 of 2022 on the file of the respondent police.

For Petitioners in all Crl.O.Ps.: Mr.M.Mohamed Riyaz

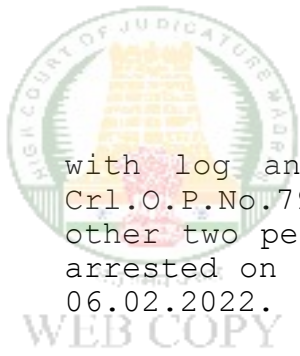
For Respondent in all Crl.O.Ps.: Mrs.G.V.Kasthuri
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested on 05.02.2022 for the alleged offences under Sections 147, 148, 294(b), 323, 324 & 307 of IPC and later altered to 147, 148, 294(b), 323, 324 and 302 I.P.C in Crime No.372 of 2022, on the file of the respondent police, seek bail.

2. These petitioners have attacked one Paratharaman with wooden log and by hand, since there was a dispute between these petitioners and the deceased family regarding parking of the car in the vacant site owned by the deceased family.

3. From the F.I.R, this Court finds the overtact attributed to the petitioners, Mani @ Arunagiri in Crl.O.P.7929 of 2022 and Kumaravel @ Kumaran in Crl.O.P.No.7934 of 2022, who had attacked the deceased



with log and by hands and caused his death. The petitioner in Crl.O.P.No.7921 of 2022 was part of the unlawful assembly aiding the other two petitioners. The petitioner in Crl.O.P.No.7934 of 2022 was arrested on 04.02.2022 and the other two petitioners were arrested on 06.02.2022.

4.Learned Additional Public Prosecutor appearing for the respondent states that there is fury between the defacto complainant and Mani @ Arunagiri. The release of the petitioner at this juncture may lead to recurrence of the occurrence and retaliation.

5.Considering the overtact attributed to the petitioners in Crl.O.P.Nos.7929 and 7934 of 2022 and the animosity existing between the defacto complainant and these petitioners, this Court dismissed Crl.O.P.Nos.7929 and 7934 of 2022, petitions for bail for the present, since the investigation is yet to be completed.

6.As far as the petitioner in Crl.O.P.No.7921 of 2022 is concerned, since there is no specific overtact attributed to him, this Court is inclined to grant bail to the petitioner. Hence, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Principal District Court, Thiruvallur;

(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 petitioner is directed to report before the Investigating Officer daily at 10.30 a.m. until further orders;

(d) the petitioner 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 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];



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

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06/04/2022

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 PRINCIPAL DISTRICT COURT,
THIRUVALLUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 THE INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
MADHAVARAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO. 5216

CRL OP.Nos.7921, 7929 & 7934 /2022

Date :06/04/2022

RW 07/04/2022