



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11609 of 2022

1 PARAMESWARAN [PETITIONERS / ACCUSED]
2 MAGESWARAN
3 VADIVEL
4 SATHISHKUMAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
BARUR POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO.20/2022.

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who surrendered, were remanded to judicial custody on 16.02.2022 for the offence under Sections 147, 148, 302 of IPC in Crime No.20 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased, who was working in Military got married to the sister of the first and second petitioners. There was some misunderstanding between the deceased and his wife, since he suspected her fidelity. As a result, there was some quarrel and the deceased is said to have attacked the father-in-law and committed murder and FIR came to be registered against him. The deceased was arrested and later, he was enlarged on bail. Thereafter, he again joined the Military service. The deceased had come back on 12.02.2022 to his in-laws house and at that point of time, there was a wordy quarrel between the deceased and the family members. As a result of the same, the deceased is said to have been attacked with deadly weapons, resulting in the deceased sustaining



serious injuries. Later, he died due to the injuries. There are totally 12 accused persons in this case and the petitioners have been arrayed as A2, A3, A6 and A7.

3. The learned counsel for the petitioners submitted that the petitioners have already suffered incarceration for nearly more than 91 days and they have been falsely implicated in this case. The learned counsel further submitted that the previous bail petition filed by these petitioners was dismissed as withdrawn on 28.03.2022 and now the petitioners have already suffered incarceration for more than 90 days and are entitled for statutory bail. The learned counsel further submitted that the petitioners will cooperate for the investigation and are willing to comply with any conditions imposed by this Court.

4. Per contra, the learned Government Advocate (crl.side) submitted that some of the accused persons are still absconding and as a result of the same, the respondent police is not in a position to complete the investigation and file the final report. The learned Government Advocate further submitted that there are no previous cases against these petitioners and the entire incident had taken place due to the previous enmity between the deceased and the accused persons.

5. This Court has carefully considered the submission on either side and the materials available on record.

6. In the considered view of this Court, the petitioners have already suffered incarceration for more than 91 days and the final report is yet to be filed in this case and hence, they will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioners on bail by imposing certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsiff cum Judicial Magistrate, Pochampalli, and on further conditions that:-

[a] 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.

[b] the petitioners shall report before the respondent police daily at 6.30 p.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
POCHAMPALLI, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.7207

CRL OP.11609/2022

Date :18/05/2022

TA-18/05/2022