



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11857 of 2022

1 KUMARAMANGALAM [PETITIONERS/ ACCUSED]
2 SANTHOSH

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
ARIYOOR POLICE STATION,
VELLORE DISTRICT.
(CRIME NO.81/2022)

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 were arrested and remanded to judicial custody on 06.04.2022 for the alleged offences under Sections 147, 148, 323 and 302 of IPC in Crime No.81 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the accused persons were consuming alcohol and there was some wordy quarrel between the accused persons and the husband of the de facto complainant, who is the deceased in this case. Thereafter, the deceased is said to have been attacked by the accused persons, which resulted in his demise.

3. Heard Mr.E.Kannadasan, learned counsel for the petitioners and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. In the present case, the entire incident had taken place due to influence of alcohol and in the spur of the moment. There are totally five accused persons in this case and the petitioners herein have been arrayed as A2 and A5 respectively. The overtact that has



been attributed by the first petitioner is that he attacked the deceased with hands and the second petitioner attacked the deceased with stone. It is brought to the notice of this Court that there are no previous cases against the petitioners.

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5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioners have already suffered incarceration for 44 days and there are no previous cases against the petitioners and this is not the case of pre-planned murder, this Court is inclined to enlarge the petitioners on bail by imposing some stringent conditions.

6. Accordingly, the petitioners are ordered to be released on bail on they executing a bond each 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 Judicial Magistrate No.I, Vellore, subject to the following conditions:

[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 10.30 am, 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 petitioners 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/-

19/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ARIYOOR POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.7546

CRL OP.11857/2022

Date :19/05/2022

CSK 19/05/2022