



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.Nos.13305 & 13343 of 2022

Crl.OP.No.13305 of 2022

Arulkumar

..Petitioner/A6

Vs.

State rep by
Inspector of Police,
Pennadam Police Station,
Cuddalore
(crime No.410 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.410 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Thirumalaivasan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

Crl.OP.No.13343 of 2022

Manikandan

..Petitioner/A9

Vs.

State rep by
Inspector of Police,
Pennadam Police Station,
Cuddalore
(crime No.410 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.410 of 2022 pending investigation on the file of the respondent police.



For Petitioner

: Mr.P.Thirumalaivasan

For Respondent

: Mr.A.Damodaran,
Additional Public Prosecutor

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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.04.2022 for the offence punishable under Section 147, 148, 294(b), 324, 506(ii), 307 and 302 of IPC in crime No.410 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the deceased was waylaid and attacked by the accused persons. The petitioners are A6 & 9. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that already co-accused/ A7 was granted bail by this Court in Crl.OP.No.12571 of 2022 on 26.05.2022. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners are arrayed as A6 and A9. He would further submit that the accused persons, on the occurrence day, attacked the deceased, thereby he sustained grievous injuries and died. Hence, he vehemently opposed to grant bail to the petitioners.

5. It is seen that all the petitioners are masons and they along with other accused persons attacked one engineer and he died on the spot. Considering the facts and circumstances of the case and also considering that the co-accused was already granted bail by this Court in Crl.OP.No.12571 of 2022 on 26.05.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tittagudi 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 10.30 a.m. and 05.30 p.m. until further orders.

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



[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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,
TITTAGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PENNADAM POLICE STATION,
CUDDALORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.Nos.8739+8738

CRL.OP.NOs.13305&13343/2022

Date :09/06/2022

CSK 10/06/2022