



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

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

Cr1.OP.No.13270 of 2022

1.Krishnamoorthy
2.Sarthar

..Petitioners/A3&4

Vs.

The State rep by
The Inspector of Police,
Ariyur Police Station,
Vellore District
crime No.81 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.81 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.R.Thangavel

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.04.2022 for the offence punishable under Section 147, 148, 323, 302 of IPC in crime No.81 of 2022 on the file of the 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. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that 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 A3 and A4 respectively. The accused persons attacked the deceased with hands and also with stones. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and the period of incarceration by the petitioners from the date of their arrest i.e. 06.04.2022, 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-I, Vellore 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-I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
VELLORE CENTRAL PRISON, THORAPADI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.R.THANGAVEL
charges SR.No.8678

Advocate on payment of necessary

CRL OP.13270/2022

Date :09/06/2022

CSK 10/06/2022