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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

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

Cr1.OP.No.14180 of 2022

1.Kumar
2.Mani

..Petitioners

Vs.

State Rep. by
The Inspector of Police,
Poonamallee Police Station,
Chennai
crime No.204 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.204 of 2022 on the file of the respondent police.

For Petitioners : Mr.A.J.Mohamed Kassim

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 302 of IPC in crime No.204 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners are the brother of the victim and at the time of occurrence, the victim and the petitioners were in drunken mood and there was a quarrel between them. When the deceased tried to attacked the petitioners with knife, the petitioners pushed him, thereby he fell down. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners had no intention to kill the victim and he was only pushed down by the petitioners for preventing him from attacking the petitioners by knife which was in the hands of the victim at the time of occurrence. Hence, he prays for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally two accused, in which the petitioners are A1 and A2. They are the brothers of the deceased and due to a wordy quarrel, the petitioners assaulted the deceased with scissors, thereby he sustained grievous injuries and died. Hence, he vehemently opposed to grant bail to the petitioners.

5. It is seen that the petitioners and the deceased are brothers. All were under the influence of alcohol. At that juncture, there was a wordy quarrel between them. When the deceased tried to attack the petitioners with knife, the petitioners attacked him and as such he sustained grievous injuries. Thereafter, he died. It is seen that there is no previous enmity between them and due to a wordy quarrel between them, the occurrence happened.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, 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) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Poonamallee 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 stay at Coimbatore and report before the Inspector of Police, Peelamedu Police Station, Coimbatore daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter 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.

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-sd/-
21/06/2022

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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PEELAMEDU POLICE STATION,
COIMBATORE.

+1 CC to M/S.A.J.MOHAMED KASSIM Advocate on payment of necessary charges SR.NO. 9595

CRL OP.14180/2022

Date :21/06/2022

RW-21/06/2022