



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

Crl.OP.No.14767 of 2022

1.Kaliyan @ Jothivel
2.Vishnu
3.Ajaykumar

..Petitioners/A1 to 3

Vs.

State rep. by
Inspector of Police,
Pennadam Police Station,
Cuddalore District
crime No.452 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.452 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Iyyapparaj

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.05.2022 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 506(2), 302 of IPC, 1860 in crime No.452 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the deceased is the father of the defacto complainant. The complainant's brother's wife contested in panchayat President election of Pennadam hamlet and she was defeated by A5. Due to that election motive, the petitioners attacked the deceased and his family members by using wooden log, iron pipe and knife, due to which the the deceased died. 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 A5 was granted anticipatory bail by this Court in Crl.OP.No.12460 of 2022 dated 01.06.2022. Hence, he prays to grant bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally seven accused, in which the petitioners are arrayed as A1 to A3. The specific overt act against the petitioners is that A1 attacked with iron rod and A2 & 3 attacked with wooden log. He would further submit that the petitioners were arrested and remanded to judicial custody on 12.05.2022.

5. The defacto complainant's brother's wife contested in panchayat election and she was defeated by A5. Due to that election motive, there was enmity between both the family members, due to which on the date of occurrence, the petitioners and others attacked the deceased with wooden log and iron rod. Therefore, he sustained grievous injuries and died. A5 was granted anticipatory bail by this Court in CrI.OP.No.12460 of 2022 on 01.06.2022.

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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Thitakudi 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 Sriperumbudur and report before the Inspector of Police, C1 Sriperumbudur Police Station, Sriperumbudur 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/06/2022

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,
THITAKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE
PENNADAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE

6 THE INSPECTOR OF POLICE,
C1 SRIPERUMBUDUR POLICE STATION,
SRIPERUMBUDUR

CC to M/S.C.IYYAPPARAJ Advocate on payment of necessary charges
Sr.10070

CRL OP.14767/2022

Date :27/06/2022

RVR 28/06/2022