



Crl.OP.No.15683 of 2022

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G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel for the petitioners, today this matter has been posted under the caption “for being mentioned”.

2. The learned counsel for the petitioners would submit that due to inadvertence, the petitioners wrongly mentioned the name of the prison in which the petitioners are confined.

3. In view of the submission of the learned counsel for the petitioners, it is ordered that in the order passed in Crl.OP.No.15683 of 2022 dated 07.07.2022, the prison name in the 'To Address' shall read as “***Sub Jail, Tiruppur***” instead of “***Central Jail, Coimbatore***”.



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4. Accordingly, the Registry is directed to issue a fresh order copy in

Crl.OP.No.15683 of 2022 dated 07.07.2022 after making necessary corrections.

12.07.2022

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Note: Issue order copy on 12.07.2022



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12.07.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

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

CrI.OP.No.15683 of 2022

1.Vijayabalaji

2.Nirmalkumar

..Petitioners/ A2&3

Vs.

State rep.by

Inspector of Police,

Mangalam Police Station,

Tiruppur District

crime No.111 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.111 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.N.Ponraj

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

ORDER

The petitioners, who were arrested and remanded to judicial custody



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on 09.04.2022 for the offences punishable under Sections 342, 323, 324, 302 and

201 of IPC in crime No.111 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and her elder brother by name Rajkumar are the residents of Uttar Pradesh. It is alleged that the defacto complainant and one, his brother came to Palladam in search of job. In Palladam, on 07.04.2022, they met one Rajesh(A1) who is running M/s.Perfect Labour Solution India Private Limited. In the said place, the said Rajesh and three others asked them to go immediately to Namakkal for getting employment but when the defacto complainant and his brother refused to go immediately stating that they were tired of travelling from Uttar Pradesh to Palladam and informed that they would go tomorrow. While so, it is further alleged that on hearing the reply from the defacto complainant and his brother, the said Rajesh and three others including petitioners got angry and took away the mobile phone from the brother of defacto complainant and when the same was questioned, it is alleged that the said Rajesh and others beaten up the defacto



complainant and his brother as a result of which the brother of defacto complainant fainted. Thereafter, they got the defacto complainant to a lonely place in the midnight and then, the defacto complainant gave the complaint. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the accused persons beat the defacto complainant and his brother for the reason that they refused to go for work as they were tired of travelling from Uttar Pradesh to Palladam. He would further submit that A1 was arrested and released on bail by the court below. However, he vehemently opposed to grant bail to the petitioners.

5. There are totally four accused. The deceased and his brother of



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Uttar Pradesh came to work with the instigation of A1, who is a broker who arranges job for people coming from North India. The deceased and the defacto complainant came from Uttar Pradesh and wanted to take rest for one day and informed that they will go to work next day, for which the petitioner along with other accused persons assaulted them with hands, legs and belt. A1 was arrested, whereas these petitioners are arrayed as A2 and A3. Thereafter, the accused persons threw the deceased in a lonely place in the mid night. On the complaint made by the public, the case was registered.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e. 09.04.2022, 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) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Tiruppur and on further conditions that:



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[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 Vellore and report before the Inspector of Police, Sathuvachari Police Station, Vellore daily at 10.30 a.m. and 05.30 p.m. for a period of two 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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To

- 1.The learned Judicial Magistrate-IV,
Tiruppur
- 2.Inspector of Police,
Mangalam Police Station,
Tiruppur District
- 3.Central Jail,
Coimbatore
- 4.The Public Prosecutor,
High Court of Madras

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07.07.2022

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