



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

CrI.OP.No.15609 of 2022

M.Venkatesan

..Petitioner/ A1

Vs.

State Rep by
Inspector of Police,
Sankarapuram Police Station,
Sankarapuram,
Kallakurichi District
crime No.153 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.153 of 2022 pending investigation on the file of the respondent police.

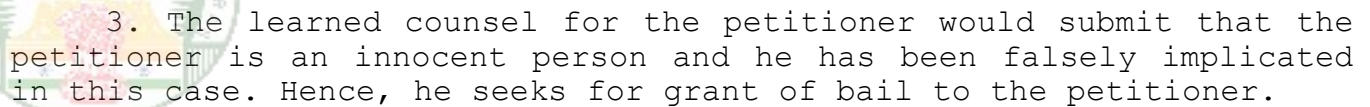
For Petitioner : Mr.G.Tamil Selvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.04.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 352, 506(ii) & 302 of IPC r/w Section 4 of TNWH Act altered into Sections 147, 148, 294(b), 302, 323, 324, 341, 506(ii) of IPC and 149 of IPC r/w Section 4 of TNWH Act in crime No.153 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner and the defacto complainant were neighbours and there was earlier common pathway dispute between them. While being so, on 31.03.2022 at about 11.00 p.m., the above petitioner along with other accused persons quarrelled with the defacto complainant. At that time, they assaulted the defacto complainant using iron rod, wooden log and legs, thereby the complainant sustained injuries and was taken to Government Hospital and later to Government Hospital, Salem for higher treatment. However, the defacto complainant died on 03.04.2022. Hence, the case.



5. It is seen that there are totally seven accused, in which the petitioner is arrayed as A1. Due to pathway dispute, there was a wordy quarrel on the date of occurrence i.e. 31.03.2022, at that time all the accused persons attacked the deceased and due to which, he got injury and was admitted in the hospital. However, he died after three days. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 at Sankarapuram and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

07/07/2022

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,
SANKARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
SANKARAPURAM, KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.G.TAMIL SELVAN Advocate on payment of necessary charges Sr.10949

CRL OP.15609/2022

Date :07/07/2022

RVR 07/07/2022