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CrI.OP.No.16373 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM

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

CrI.OP.No.16373 of 2022

1. Murali

2. Srinivasan @ Srinivasa

...Petitioners

Vs.

State rep. by

The Inspector of Police,

Panamadangi Police Station,

Vellore District

Crime No.74 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with Crime No.74 of 2022 on the file of the Inspector of Police, Panamadangi Police Station, Vellore District.

For Petitioners : Mr.S.Silambuselvan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.05.2022 for the offences punishable under Section **109, 304(2) of IPC** in crime No.74 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a civil dispute between the defacto complainant family and the petitioners, for which, the petitioners along with other accused on the instigation of A3, demolished the compound wall. It is further alleged that the petitioners pulled down the wall on the defacto complainant's mother, due to which, she sustained bleeding injury and subsequently she died.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners have been suffering incarceration from 10.05.2022. Therefore, he prays to grant anticipatory bail to the petitioners

4. The learned Additional Public Prosecutor would submit that



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the petitioners along with other accused demolished the house wall on the instigation of A3 and pulled down the wall on the defacto complainant's mother, which caused death of the defacto complainant's mother. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioners from the date of arrest ie., from 10.05.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners 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, Katpadi** 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.



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[b] the petitioners shall report before the respondent police twice daily at 10.30 a.m., and 04.30.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.

14.07.2022

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To



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1. Judicial Magistrate,
Katpadi
2. The Inspector of Police,
Panamadangi Police Station,
Vellore District
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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