

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM

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

Cr1.OP.No.16407 of 2022

1.Dhanalakshmi
2.Manju
3.Venmathi

... Petitioners

Vs.

State represented by
Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.433 of 2022)

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in the above said Crime No.433 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.U.Aslam

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 147, 148, 323, 302 and 201 of IPC in crime No.433 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to land dispute between the petitioners and the deceased, the petitioners along with other co-accused had attacked the deceased and thereafter the deceased died. Hence, the complaint.

3. The deceased in none other than the brother of A4 viz., the 1st petitioner herein. The deceased had been taking continuous treatment for mental illness. While being so, the petitioners due to previous enmity, attacked the deceased with wooden log and hands. Thereafter, he was locked in a room and unfortunately, he died.

4. 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., 04.06.2022, 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 sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, No.2, Ponnneri, 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 report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[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.

-sd/-
21/07/2022

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,
NO.2, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to Mr.U.Aslam Advocate on payment of necessary charges
SR.NO. 11971

CRL OP.16407/2022

Date :21/07/2022

JPA 21/07/2022