



WEB COPY



Crl.OP.No.19293 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19293 of 2022

M.Muthu @ Sonai Muthu

...Petitioner

Vs.

State by:-

The Inspector of Police,

Central Police Station,

Tiruppur City.

(Crime No.302/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.302/2022 on the file of Respondent Police.

For Petitioner :Mr.P.M.Duraiswamy

For Respondent :Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2022 for the offences punishable under Sections 294(b), 323, 324, 307, 427 & 506(ii) of IPC @ Section 302 of IPC in crime No.302 of 2022 on the file of the respondent police, seeks bail.



CrI.OP.No.19293 of 2022

WEB COPY

2. The case of the prosecution is that *de-facto* complainant and his brother were street vendors selling chilly chicken in a pushcart in Tiruppur City. The deceased is a relative of the *de-facto* complainant who was assisting them in the small time business. On 20.06.2022, at about 8.30 p.m. the accused persons Viz. A1 to A4 went to their shop. There was wordy quarrel between the deceased and the accused persons. Due to which, all the accused persons were alleged to have abused the deceased in filthy language and assaulted him using hands, wooden log and iron rod. The victim sustained grievous injuries and died. Hence, the complaint.

3. Initially the case was registered under Section 307 of IPC. Now, altered into Section 302 of IPC. There are totally 4 accused persons, in which the petitioner is arrayed as A3. There was a dispute between all the accused persons and the deceased. Due to which, they attacked the deceased with iron rod and wooden log. The deceased sustained grievous injuries and died.



CrI.OP.No.19293 of 2022

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 21.06.2022, 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 No.II, Tiruppur**, 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 petitioner shall stay at Melmaruvathur and report before the Inspector of Police, Melmaruvathur Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter 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 petitioner shall not abscond either during investigation or trial.

[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



CrI.OP.No.19293 of 2022

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.

16.08.2022

mpl



WEB COPY



CrI.OP.No.19293 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II, Tiruppur.
- 2.The Inspector of Police,
Central Police Station,
Tiruppur City.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.19293 of 2022

16.08.2022