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CrI.OP.No.20328 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

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

CrI.OP.No.20328 of 2022

1. Shanmugasundaram @ Seekko
2. Merun C

...Petitioners

Vs.

State represented by
Inspector of Police,
Perundurai Police Station,
Erode District.
(Crime No.473 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.473 of 2022 on the
file of the respondent.

For Petitioners :Mr.J.Ranjithkumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.06.2022 for the offences punishable under Sections 174 Cr.P.C altered into Section 302 of IPC in crime No.473 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that totally there are three accused and the petitioners are arrayed as A2 & A3. All the accused persons and the deceased were friends. It is alleged that, on the day of occurrence, while they were consuming alcohol, there was a wordy quarrel between them, due to which, the petitioners along with other accused persons had attacked the deceased with stones, due to which, the deceased sustained grievous injuries and died.

3. The learned Additional Public Prosecutor submitted that the specific overt act against the petitioners is that the petitioners attacked the deceased with stones repeatedly and thereby caused the death. Hence, he vehemently opposed for granting bail to the petitioners.

4. The learned Counsel for the petitioners submit that there is



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no motive and only under the influence of alcohol, the alleged occurrence had occurred. Hence, he pray for granting bail to the petitioners.

5. 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., 28.06.2022, this Court is inclined to grant bail to the petitioners.

6. 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, Perundurai** 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 stay at Guduvancheri and report before the Guduvancheri Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter report before



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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.

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To

1. Judicial Magistrate,
Perundurai.
2. Inspector of Police,
Perundurai Police Station,
Erode District.
3. District Jail,
Gobichettypalayam.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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