



Crl.O.P.No.23096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23096 of 2022

1. Ravichandiran
2. Manikandan
3. Viji @ Vijay

... Petitioners

Vs.

The State represented by,
The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.242 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.07.2022 for the offences punishable under Sections 341 and 302 of IPC, in Crime No.242 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was previous enmity between the petitioners and the defacto complainant for the past 20 years on account of the land dispute. While so, on 24.07.2022 while the deceased, who is the son of the defacto complainant was returning back home in his two wheeler, the petitioners had waylaid and assaulted him with Koduval resulting in him sustaining grievous injuries and he died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that though it is stated that there are eye witnesses to the occurrence, but none of them had given a complaint. The complaint has been given by the defacto complainant only on account of the previous enmity. He would further submit that the petitioners are in custody from 24.07.2022 and they



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have no bad antecedence. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners on account of existing enmity have waylaid the defacto complainant's son and indiscriminately cut him by Koduval resulting in him sustaining grievous injuries and died on the spot. He would also submit that as far as 1st and 3rd petitioners are concerned, there are no previous cases pending against them and the 2nd petitioner has got two previous cases against him. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the 1st and 3rd petitioners alone and as far as the 2nd petitioner is concerned, as



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he got two previous cases against him, this Court is not inclined to grant bail to him.

7. Accordingly, the bail application in respect of the 2nd petitioner is dismissed for the present and the 1st and 3rd petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Attur**, 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 1st and 3rd petitioners shall stay at **Chennai and report before the Inspector of Police, North Beach Police Station, Chennai daily at 10.30 a.m., and 05.30 p.m., until further orders;**

[c] the 1st and 3rd petitioners shall not abscond either during investigation or trial;

[d] the 1st and 3rd petitioners shall not tamper



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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 1st and 3rd petitioners in accordance with law as if the conditions have been imposed and the 1st and 3rd 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.

23.09.2022

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1. The Judicial Magistrate No.I, Attur.
2. The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.
3. The Superintendent,
Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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