



CrI.O.P.No.23669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

**CrI.O.P.No.23669 of 2022**

1.Srinivasan

2.Dinesh @ Dinesh Kumar

... Petitioners

Vs.

The State represented by,  
The Inspector of Police,  
Timiri Police Station,  
Vellore District.  
(Crime No.188 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners on bail pending investigation in Crime  
No.188 of 2022, on the file of the respondent Police.

For Petitioners : Mr.R.Sasikumar

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

**ORDER**

The petitioners, who were arrested and remanded to judicial  
custody on 02.08.2022, for the offences punishable under Sections 147, 148,



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341, 294(b), 427, 324, 307 and 302 of IPC in Crime No.188 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of committing of theft of fish from the leased pond, there was enmity between the deceased and the accused. Pursuant to the same, on 02.08.2022 at 11. a.m., the accused have joined together in an unlawful assembly and waylaid the deceased and the defacto complainant and assaulted them indiscriminately with Aruval and iron rods, resulting in the defacto complainant and the deceased sustaining injuries. Later, due to the injuries sustained, the defacto complainant and the deceased were taken to the hospital and the deceased was declared brought dead. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and arrayed as A4 and A5, since they happened to be the relatives of the main accused. He would also submit that the defacto complainant and his relatives have committed theft of fish from the pond leased to A1 and based on the complaint given by A1, a case in



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Crime No.159 of 2022 has been registered against the deceased. He would further submit that even despite the that the deceased and the defacto complainant continued with the theft and there was quarrel. Whereas, the defacto complainant has implicated the entire family members and given a complaint. He would further state that A1 and A2 have been arrested and detained under Act 14 and even as per the complaint, the allegation and overt act attributed as against these petitioners is that they have assaulted the deceased and the defacto complainant with iron rod on his hands. He would further reiterate that the defacto complainant has been discharged from the hospital and there are no previous cases as against the petitioners. He would further reiterate that the petitioners are in custody from 02.08.2022. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the deceased had committed theft of fish from the pond leased to A1 and there was a quarrel, pursuant to which, the petitioner along with the other accused waylaid the defacto complainant and the deceased on 02.08.2022 at 11.00 a.m., and they have assaulted them



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indiscriminately with Aruval and iron rods, due to which, they sustained injuries. He would further submit that the victim were taken to the hospital and the deceased was declared brought dead and the defacto complainant was admitted in the hospital and he has been discharged now. He would further reiterate that A1 and A2 have been detained under Act 14 and A3 is absconding. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the defacto complainant has been discharged from the hospital and the main accused has been detained under Act 14 and also the overt act as against the petitioners is that they have assaulted the deceased on his hand, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a 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, Walaja**, 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 Tirunelveli and report before the Inspector of Police, Town Police Station, Tirunelveli, daily at 10.30 a.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



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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.

**29.09.2022**

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To

1. The Judicial Magistrate No.I,  
Walaja.
2. The Inspector of Police,  
Timiri Police Station,  
Vellore District.
3. The Superintendent,  
Central Prison,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA., J.**

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