



Crl.O.P.No.24161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.24161 of 2022

1.Dhakshnamoorthy
2.Arul Kumar
3.Utherivedi @ Vedi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur District.
(Crime No.221 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.221 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 28.07.2022, for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC, subsequently altered into 294(b), 323, 324 and 302 of IPC, in Crime No.221 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Murugan is that the accused during a quarrel in a shop, had assaulted his brother with iron rods, due to which he sustained injuries and he was admitted in Thirupathur Government Hospital for treatment. Initially, a case was registered for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and later, since, the victim succumbed to injuries on the next day, the case was altered to one for the offences punishable under Sections 294(b), 323, 324 and 302 of IPC.

3. The learned counsel appearing for the petitioners would submit that there was no intention on the part of the petitioners to commit the



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murder of the deceased. He would also submit that the occurrence had happened during a quarrel in front of a shop. He would further submit that the entire family members have been implicated in this case. He would also state that the petitioners are in custody from 28.07.2022 and also the major part of the investigation is over and the petitioners did not have any previous case as against them. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners during the quarrel had assaulted the defacto complainant's brother with iron rods and hands, due to which, he sustained injuries and he was taken to the hospital. He would also submit that originally, based on a complaint given by the defacto complainant, a case was registered for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and later, since, the victim succumbed to injuries on the next day, thereby, the case was altered to one for the offences punishable under Sections 294(b), 323, 324 and 302 of IPC. He would further submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.



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5. Heard the learned counsel for the petitioner 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 taking note of the fact that the petitioners are in custody from 28.07.2022 and the major part of the investigation is over and that they did not have any criminal antecedence, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Thiruppathur**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, daily at 10.30 a.m., and 05.30 p.m., for a period of 30 days and thereafter, report before the respondent Police daily at 10.30 a.m., until further orders;

[c] however, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned 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]*;

[g] If the accused thereafter abscond, a fresh FIR



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.II, Thiruppathur.
2. The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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