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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25077 of 2021

1. KARTHICK
2. ARUMUGAM
3. KUMAR

...Petitioners

Vs.

STATE: rep. by
The Inspector of Police
Kolathur Police Station
Mettur Taluk, Salem District
(Crime No.409 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.409 of 2021 on the file of the Inspector of Police, Kolathur Police Station, Mettur Taluk, Salem District.

For Petitioners : Mr.M.Senthil Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 147, 148, 323, 324, 302 IPC, in Crime No.409 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.11.2021, there was a quarrel between the petitioners and the defacto complainant's party with regard to grazing goats in the land of one Pasupathi during which, the petitioners attacked and caused the death of one Veerappan died. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.410 of 2021 against the defacto complainant's party for causing death of on Sethu @ Dhanasekaran and that the



petitioners have been suffering incarceration for more than 60 days from 06.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there was a quarrel between the petitioners and the defacto complainant's party with regard to grazing of goats during which, they both attacked each other as a result of which, in both groups one person died.

5. Considering the above facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Mettur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall sign before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

07/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
METTUR TALUK, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.M.SENTHIL KUMAR Advocate on payment of necessary charges SR.389

CRL OP.25077/2021

Date :07/01/2022

RVR 10/01/2022