



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.25407 of 2021

1. Tamilselvan
2. Dhandapani
(*) 3.Senthil

.. Petitioners

Vs.

State represented by
The Inspector of Police
Bagayam Police Station
Bagayam, Vellore District
(Crime No.398 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to release the petitioners on bail pending investigation in Cr.No.398 of 2021 on the file of the respondent.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
Dated:03/01/2022

: MR.A.GOKULAKRISHNAN Additional Public Prosecutor
[CRL.MP.NO.401/2022 IN CRL.OP.NO.25407/2021]
Dated:20/01/2022

ORDER

The petitioners who were arrested and remanded to judicial custody on 30.10.2021 for the offences under Sections 294(b), 323, 324, 341, 506(ii) IPC @ 147, 148, 294(b), 323, 324, 341, 506(ii) IPC @ 302 IPC in Crime No.398 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 24.10.2021 at about 5 p.m., the petitioners along with others waylaid the son of the defacto complainant and when the same was questioned, there ensued a quarrel between them following which, the accused attacked the son of the defacto complainant with wooden log as a result of which, he sustained injuries and admitted in the Hospital. Later, on 28.10.2021, he 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 A8 has been granted anticipatory bail by this Court in Crl.O.P.No.24255 of 2021 dated 17.12.2021 and that the petitioners have been suffering incarceration for more than 65 days from 30.10.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that there is a proposal for Goondas against A1 and the petitioners/A3, A4 and A6 are the friends of A1 and that A9 is still absconding but, admits that A8 has been granted anticipatory bail by this Court and that the investigation in respect of the petitioners is almost completed

5. Considering the fact that the investigation in respect of the petitioners is almost completed and co-accused has been granted anticipatory bail by this Court 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 bond 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 petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Vellore, 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;

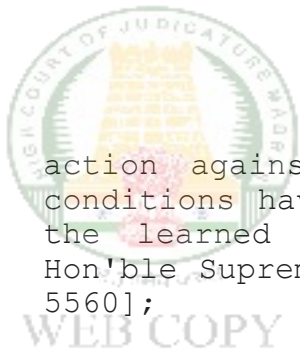
(d) the petitioners shall stay at Cuddalore and report before the Town Police Station on every Wednesday and Saturday at 10.30 a.m. for a period of two months and thereafter report before the respondent police as and when required for interrogation.

(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.

-sd/-
03/01/2022

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.

(*)Amended as per order of this court dated 20/01/2022 made in CRL.MP.NO.401/2022 IN CRL.OP.NO.25407/2021.

TO

1 THE JUDICIAL MAGISTRATE-I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
BAGAYAM, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.

+1CC to M/S G.VINODHKUMAR Advocate on payment of necessary charges SR.NO.916

CRL OP.25407/2021

Date :03/01/2022

CSK 04/01/2022

CSK 31/01/2022