



Crl.O.P.No.25271 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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

Crl.O.P.No.25271 of 2022

1. Selvam

2. Neelakandan

... Petitioners

Vs.

State represented by its,
Inspector of Police,
Sathanur Dam Police Station,
Thiruvannamalai District.

Crime No.172 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.172 of 2022 pending
on the file of Inspector of police, Sathanur dam Police Station,
Thiruvannamalai District.

For Petitioners : Mr.P.C.Thiyagu

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 18.09.2022 for the offences punishable under Section 174 Cr.P.C @ 294(b), 323, 302 of IPC in Crime No.172 of 2022, on the file of the respondent Police, seek bail.

2. The case of the Prosecution as per the de-facto complainant/wife of the deceased is that her husband/deceased, who was an alcoholic, has gone out of the house and found missing and thereafter, she was informed that he was lying dead near Sathanur Bus stop. Based on her complaint, a case has been registered for the offence under Section 174Cr.P.C and later, during the course of investigation, it was found that the petitioners along with the other accused assaulted the husband of the de-facto complainant with wooden log, due to which, he died. Hence, the case.

3. The learned Counsel appearing for the petitioners would submit that even as per the prosecution, there was a dispute between the first accused and the deceased. He would further submit that the petitioners, who



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are the friends of the first accused, other than accompanying the first accused, they have not caused any injuries on the deceased. He would also submit that they have been implicated in this case, since they happened to be the friend of the first accused and they have been in custody from 18.09.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that based on the complaint given by the de-facto complainant, initially a case has been registered for the offence under Section 174 Cr.P.C, later it was found that the deceased, who was an alcoholic, had asked money from A1 for drinking and there raised a quarrel and during the quarrel, the deceased abused A1 and thereby, A1 along with the other accused assaulted him with wooden log, due to which, he died. He would also submit that as far as this petitioners are concerned, they have not used any weapons, they have assaulted the deceased with hands. Hence, he oppose to grant bail to the petitioners.



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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 the submissions made by the learned Counsel for the petitioners and also considering the allegations against these petitioners are not serious in nature, this Court is inclined to grant bail to the petitioners.

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, Thandarampet**, 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;



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[b] the petitioners shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station, everyday at 10.30a.m. and 5.30 p.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 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.

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To

1. The Judicial Magistrate Court,
Thandarampet.
2. The Inspector of Police,
Sathanur Dam Police Station,
Thiruvannamalai District.
3. The Central Jail,
Vellore.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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