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Crl.O.P.Nos.26988 and 27027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.26988 and 27027 of 2022

Manimaran @ Mani

...Petitioner in Crl.O.P.No.26988 of 2022

Arun Selvam @ Mannangkatti

....Petitioner in Crl.O.P.No.27027 of 2022
Vs.

State: Represented by
The Inspector of Police,
Vyasarpadi Police Station,
Chennai District.
(Crime No.374 of 2022)

.... Respondent in both Crl.O.Ps

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail pending investigation in Crime
No.374 of 2022 on the file of the respondent.

For Petitioners : Mr.G.Sarath Kumar

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



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ORDER

The petitioners in both Crl.O.P's, who were arrested and remanded to judicial custody on 10.09.2022, for the offences punishable under Sections 294(b), 323, 324, 341 & 302 of IPC in Crime No.374 of 2022, on the file of the respondent police, seeks bail.

2. The contention of the learned counsel for the petitioners is that, the petitioners are A1 and A3, who were the load man and auto driver. There was a dispute with the Murugesan/defacto complainant with regard to the spillage of sewage water. Both the sons of the defacto complainant namely Prakash and Amuthapandi are employed as drivers to the Assistant Commissioner of Police and other Police Officer. Due to which, they were always aggressive and picked up quarrel and assaulted the petitioners and his family members. On 04.09.2021, the wordy quarrel entered into a scuffle and thereafter the said Prakash and Amuthapandi had assaulted one Nirosha, who is the sisters of A1 and the wife of A3. Thereafter, she was admitted in Stanely hospital and taken treatment as in-patient and there the case was registered in Crime No.369 of 2022 against the family members of the



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deceased Murugesan. Thereafter, the Sub-Inspector of Police called both the petitioner's group as well as the family members of the deceased for enquiry on 06.09.2022, at that time, the deceased Murugesan and his family members assaulted and snatched the thali of A4 and thereafter there was a scuffle, due to which, the deceased Murugesan sustained injuries and got admitted in the hospital on 07.09.2022 and case was registered on 09.09.2022 in Crime No.374 of 2022 for the offence under Sections 294 and 323 of IPC and later he died on the same day and hence case has been altered to offence under Section 302 of IPC and the petitioners were arrested on 10.09.2022. He would further submit that, it was only a wordy quarrel and no weapons used by the petitioners and it was only an exchange of words and blows. The Doctor confirmed that the deceased died due to internal injuries in the stomach. He would further submit that the sudden death of the said Murugesan is projected as murder case against the petitioners and they are in prison from 10.09.2022 and further there were no previous case pending against the petitioners. Hence, he seeks for grant of bail to the petitioners.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the deceased Murugesan and the petitioners' family members are neighbors, there was some dispute between them with regard to the overflowing of the sewage water, due to which, there was fight between them on 04.09.2022. The deceased Murugesan's family had assaulted the petitioner's family and hence case in Crime No 369 of 2022 was registered. Thereafter, during the enquiry, the subsequent act of the deceased Murugesan snatching the thali had infuriated others and thereafter the petitioner's family had attacked the deceased Murugesan had succumbed to injuries and case was registered in Crime No. 374 of 2022 and thereafter the case has been altered to the offence under Section 302 of IPC for the death of the said Murugesan. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of 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.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, 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 bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai**, 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 not enter into the jurisdictional limit of the respondent police for a period of 3 weeks. For the purpose of investigation, on the notice of the respondent police, the petitioners shall



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appear before the respondent police.

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during 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 X Metropolitan Magistrate Court, Egmore, Chennai.
2. The Inspector of Police,
Vyasarpadi Police Station,
Chennai District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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