



Crl.O.P.No.27784 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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

Crl.O.P.No.27784 of 2022

Sarath @ Sarath Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Timiri Police Station,
Vellore District.

(Crime No.188 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.188 of 2022, on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.10.2022, for the offences punishable under Sections 147, 148, 341, 294(b), 427, 324, 307 and 302 of IPC in Crime No.188 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of committing of theft of fish from the leased pond, there was an enmity between the deceased/victim and the accused. Pursuant to the same, on 02.08.2022 at 11.00 a.m., the accused have joined together in an unlawful assembly and waylaid the victim and the de-facto complainant and assaulted them indiscriminately with Aruval and iron rods, resulting in the de-facto complainant and the victim sustaining injuries. Later, due to the injuries sustained, the de-facto complainant and the victim were taken to the hospital and the victim was declared brought dead. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit



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that the petitioner is an innocent person, who is arrayed as A6 and he has been implicated in this case, since he was known to other accused. He would also submit that the de-facto complainant and his relatives have committed theft of fish from the pond leased to A1 and based on the complaint given by A1, a case in Crime No.159 of 2022 has been registered against the deceased. He would further submit that even despite the complaint, the deceased and the de-facto complainant continued with the theft and there was a quarrel between them. He would further state that A1 and A2 have been arrested and detained under Act 14 and even as per the complaint, the allegation and overt act attributed as against this petitioner is that he has damaged the two wheeler in which the de-facto complainant and others have come. He would further reiterate that the de-facto complainant has been discharged from the hospital and there is no previous case as against the petitioner. He would also state that the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.23669 of 2022 vide order dated 29.09.2022 and the petitioner is in custody from 15.10.2022 and hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the deceased/victim had committed theft of fish from the pond leased to A1 and there was a quarrel, pursuant to which, the petitioner along with the other accused waylaid the de-facto complainant and the victim on 02.08.2022 at 11.00 a.m., and they have assaulted them indiscriminately with Aruval and iron rods, due to which, they sustained injuries. He would further submit that the injured were taken to the hospital and the victim was declared brought dead and now the de-facto has also been discharged from the hospital. He would further submit that A1 and A2 have been detained under Act 14 and A3 is absconding. Hence, he vehemently opposed to grant bail to the petitioner.

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



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case, the submissions made by the learned counsel and also the fact that the de-facto complainant has been discharged from the hospital and the main accused have been detained under Act 14 and also considering the fact that some of the co-accused have been granted with bail by this court, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Walajapet**, 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 petitioner shall stay at Tirunelveli and report before the Inspector of Police, Town Police Station, Tirunelveli, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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investigation or trial;

[d] the petitioner 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 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

14.11.2022

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To

1. The Judicial Magistrate No.II,
Walajapet.
2. The Inspector of Police,
Timiri Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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