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Crl.O.P.No.28472 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

Crl.O.P.No.28472 of 2022

1.Sakthivel
2.Pakkiyaraj
3.Sangarayaa

... Petitioners

Vs.

State rep. by the
Inspector of Police,
Allivalam Police Station,
Thiruvarur District.
(Crime No.125 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.125 of 2022 pending on
the file of the respondent.

For Petitioners : Mr.P.Muthamizh Selvakumar

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 03.10.2022 for the offences punishable under Sections 294(b), 448, 323, 324 of IPC @ 302 of IPC in Crime No.125 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to a quarrel on account of a road accident, the accused had trespassed into the house of the *de-facto* complainant and assaulted him with wooden log. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the occurrence had happened due to a quarrel and the victim was injured on 02.10.2022. Later, the victim succumbed injuries died due to improper treatment. He would further submit that the petitioners did not have intention to commit the murder of the deceased. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to a quarrel on account of a road accident, the accused had trespassed into the house of the *de-facto* complainant and assaulted him with wooden log. He would further submit that the victim was admitted in the hospital on 02.10.2022 and later succumbing to injuries died on 27.10.2022. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel. Perused the materials available on record.

6. Taking into consideration the facts and submissions made by the learned counsel, 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) with **two sureties**, each for a like sum to the satisfaction



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of **Judicial Magistrate Court, Thiruthuraipoondi**, 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 stay at Tiruppur and report before the Inspector of Police, Tiruppur Central Police Station everyday at 10.30 a.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].



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

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A.D.JAGADISH CHANDIRA, J.

mpl

To

1. The Judicial Magistrate Court,
Thiruthuraipoondi.
2. The Inspector of Police,
Allivalam Police Station,
Thiruvarur District.
3. District Prison - Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.

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