



Crl.O.P.No.31948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2022

CORAM :

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

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1. Karumbayiram,
S/o. Thangavel

2. Tamilselvi,
W/o. Karumbaayiram

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Sendurai Police Station,
Sendurai.
(Crime No.214 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.214 of 2022 on the file of respondent police.

For Petitioners : Mr.D.Gopinathan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 22.11.2022 for the alleged offence punishable under Sections 147, 294(b), 323, 506(i) and 306 of I.P.C. in Crime No.214 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 22.11.2022, the defacto complainant and the petitioner, who are neighbours and there was a wordy qurrel between them, in which they assaulted and abused the defacto complainant's mother, due to which, she suffered mental agony and subsequently she died. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that they never assaulted or abused his mother at any point of time and she was already bedridden due to ill health, the deceased passed away and she is aged about 60 years. He would submit that the petitioners are innocent persons and they are no way connected with the occurrence. He would submit that they have been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital



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and he is in custody for more than 30 days from 22.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel between neighbours, in which they assaulted and abused defacto complainant's mother and subsequently, she died. He would submit that the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that the injured discharged from the hospital, and the investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction



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of the learned District Munsif cum Judicial Magistrate Court,
Sendurai and on further conditions that:

(a) 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;

(b) the 1st petitioner shall report before the respondent police dailiy at 10.30 a.m. for the period of two months and 2nd petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of two months.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) 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



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as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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To

- 1.The District Munsif cum Judicial Magistrate,
Sendurai.
- 2.The Inspector of Police,
Sendurai Police Station,
Sendurai.
3. The Superintendent. (1st petitioner)
Sub-Jail, Jayankondam.
- 4.The Superintendent, (2nd petitioner)
Sub-Jail, Trichy.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI, J.

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