



Crl.O.P.No. 4371 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

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

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1. Nedumaran,
S/o. Nallakumar
2. Nethaji,
S/o. Nallakumar
3. Nedunchezhiyan,
S/o. Nallakumar
4. Bhuvanenthiran,
S/o. Rajaram
5. Amirtharaj,
S/o Amirthalingam

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Maruthur Police Station,
Cuddalore Dt.
(Crime No.4 of 2023)

.. Respondent



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PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.4 of 2023 on the file of respondent police.

For Petitioner : Mr.R.Thamarai Selvan
For Respondent : Mr.Leonard Arul Joseph Selvam
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.01.2023 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of I.P.C. in Crime No.4 of 2023 on the file of the respondent police, seeks bail.

2. The cause of prosecution is that the defacto complainant is son of deceased and on 17.01.2023, the defacto complainant's villagers celebrated pongal festival, at that time, petitioners along with other accused said to have caused some disruption to the function, which was questioned by the deceased. Hence, after some time, they went to his house and attacked him



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with a knife and bottle, due to which, his father sustained serious injuries and subsequently he succumbed to injuries. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that there is no specific overtact against them and they are innocent persons and they are no way connected with the offence and they have not committed any of offence as alleged by the respondent police. He would also submit that due to previous enmity, they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would also submit that the petitioners have been suffering incarceration for more than 62 days from 17.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that both the defacto complainant and petitioners are all family members and during the pongal festival, as the petitioners along with other accused disruption to the function, which was questioned



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by the deceased. Aggrieved over the same, they have attacked him with a knife and bottle, due to which, defacto complainant's father succumbed to injuries. He would submit that three previous cases pending against him and all the accused are secured and they are in judicial custody. He would also submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. He would submit that the investigation is completed and the final report was also produced before the trial and it is yet to be taken on file. However, he would vehemently opposed to grant bail to the petitioners.

5. Considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the *learned Judicial Magistrate No.1, Chidambaram, Cuddalore*, and on further conditions that::



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(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 appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of twelve weeks;

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

(d) the petitioners shall not abscond 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]*; and;

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

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To

- 1.The Judicial Magistrate No.1,
Chidambaram, Cuddalore Dt.
- 2.The Inspector of Police,
Maruthur Police Station,
Cuddalore Dt.
3. The Superintendent
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court,
Madras



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T.V.THAMILSELVI, J.

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