



CrI.O.P.No.6097 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

CrI.O.P.No.6097 of 2023

1.Anand

2.Bala Murugan

3.Udhayakumar

4.Vignesh

5.Ramesh

.. Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.

(Crime No.51 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in connection with the Crime No.51
of 2023, pending investigation on the file of the respondent Police.



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For Petitioners : Mr.R.Sasikumar
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.02.2023 for the offences under Sections 147, 148, 324, 341, 307 of IPC @ Sections 147, 148, 341 and 302 of IPC, in Crime No.51 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de facto complainant is as under:-

i) The de facto complainant Karthikeyan is a Contractor by profession and he had engaged some north Indian people for Centering work. Whiles, on 12.02.2023, he was informed by some of his employees that one of the employees viz., Sathru Mohan Burman, who was said to have gone for shopping, was found to be missing.

ii) On 13.02.2023, having received an information that the said employee had been caught by some villagers from Karanai by misconceiving that he is a thief, the de facto complainant went to the place and found the victim being tied and assaulted by the accused with wooden logs and iron



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rods, due to which, the victim had sustained injuries and thereby, the de facto complainant had taken the victim to the Medavakkam Government Hospital for first aid, thereafter to Chrompet Government and subsequently to Chengalpattu Government Hospital for further treatment.

iii) Based on the complaint given by the de-facto complainant, a case in Crime No.51 of 2023 was registered for the offence under Sections 147, 148, 324, 341 & 307 of IPC. Later, the victim succumbed to the injuries on the same day and therefore, the case was altered to one under Sections 148, 147, 341 & 302 of IPC. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners, who are the villagers are innocent persons and there was continuous theft in the village and that on early hours of 13.02.2023, the victim had entered into the village and attempted to commit theft and also to misbehave with the woman in the village, due to which, the villagers had assaulted the victim, suspecting him to be an intruder and thief. There was no intention on the part of the petitioners to commit the murder of the victim. He further submitted that the petitioners are in custody from 13.02.2023 and hence, he prayed for grant of bail to the petitioners.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners, having taken the law into their hands, had brutally attacked a poor worker and caused grievous injuries resulting into his death and thus, they are not entitled to any indulgence by this court. Therefore, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, each the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate, Thiruporur** 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 report before the respondent Police, daily twice at 10.30 a.m and 5.30 p.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]*;

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

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A.D.JAGADISH CHANDIRA.,J.

vkr

To

- 1.The Judicial Magistrate,
Thiruporur
- 2.The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.
- 3.The District Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

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