



Crl.O.P.No.6730 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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

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1. Madhaiyan

2. Pulipandi

3. Kaliyappan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District.

(Crime No.37 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.37 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.A.Karthick

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, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 of IPC @ Sections 147, 148, 294(b), 323, 324, 307 & 302 of IPC, in Crime No.37 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.02.2023, due to the previous enmity, the accused have abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and admitted in the hospital. Thereby, based on the complaint given by the de-facto complainant, a case in crime No.37 of 2023, came to be registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 of IPC. Later, one of the injured persons, named Prabhu had died in the hospital on 14.02.2023, without responding to the treatment, therefore the case has been altered to one under Sections 147, 148, 294(b), 323, 324, 307 & 302 of IPC. Hence the case.

3. Learned Counsel for the petitioners submitted that this is the



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second application for bail filed by the petitioners (A6, A7 & A9 respectively) before this Court and this Court, had dismissed the earlier bail application filed by these petitioners in Crl.O.P.No.5539 of 2023 vide order dated 09.03.2023, on the ground that the petitioners were arrested very recently and the investigation is at nascent stage. He further submitted that only the family members of the de-facto complainant have attacked the first accused, due to which, a case was registered against the de-facto complainant and others in Crime No.38 of 2023. He also stated that the incident is said to have taken place on 08.02.2023, whereas, the complaint was given on 09.02.2023. He further submitted that co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.6148 & 6419 of 2023 vide orders dated 17.03.2023 & 21.03.2023. He also submitted that the first petitioner (A6) was arrested on 09.02.2023 and the other two petitioners (A7 & A9) were arrested on 15.02.2023 and they are in custody for more than 40 days. He further submitted that major part of the investigation is over and the petitioners are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A6, A7 & A9 respectively, along with other accused, due to the previous enmity, abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and one of the injured persons, named Prabhu has died in the hospital after six days. He further submitted that it is a case and a case in counter and also submitted that this is the second bail application filed by these petitioners. He also submitted that the investigation is still pending, hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side, taking note of the fact that the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant



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bail to the petitioners with certain conditions.

7. Accordingly, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Pochampalli, Krishnagiri**, 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 report before the respondent Police, 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



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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.

27.03.2023

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To

1. The Judicial Magistrate Court,
Pochampalli, Krishnagiri.
2. The Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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