



CrI.O.P.No.7062 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

CrI.O.P.No.7062 of 2023

1. Chinnasamy

2. Gurusuryamoorthy

... 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.,
pleased 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 (CrI.Side)



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3. Learned Counsel for the petitioners submitted that the petitioners (A1& A2 respectively) are innocent persons and they have been falsely implicated in this case. He further submitted that the fact remains is that there was a quarrel between the petitioners' family and the de-facto complainant's family, while washing the clothes in the village tank, due to which, the petitioners have gone to the house of the de-facto complainant and there was a combat between both the parties, during which, only the family members of the de-facto complainant have attacked the first petitioner (A1), in respect of which, a case in Crime No.38 of 2023 was registered against the de-facto complainant and others for the offence under Sections 147, 148, 294(b), 323, 324 & 506(ii) of IPC. He also stated that the incident is said to have taken place on 08.02.2023, whereas, the complaint was given belatedly on 09.02.2023. He further submitted that even taking into consideration the facts of the prosecution, it is the case, where, the incident had taken place for personal defence.

4. He also submitted that the 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 respectively and also submitted that the



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petitioners are in custody for more than 40 days and they 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.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A1 & A2 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 the investigation is at nascent stage, hence, he opposed for grant of bail to the petitioners.

6. 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.

7. Taking into consideration the facts and circumstances of the



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case, the submissions made by either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. 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 petitioner shall stay at Madurai and report before the Inspector of Police, C-4 Othakadai 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



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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.

29.03.2023

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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 Inspector of Police,
C4, Othakadai Police Station,
Madurai District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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