



CrI.O.P.No.7244 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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

CrI.O.P.No.7244 of 2023

1.Sanjay

2.Praveen Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Maruthur Police Station,
Cuddalore District.

(Crime No.4 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.4 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.R.Thamaraiselvam

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were remanded to judicial custody on 18.01.2023 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 IPC in Crime No.4 of 2023 on the file of the respondent police, seek bail.

2. The case of prosecution is that on 17.01.2023, during the Pongal festival, the accused said to have caused some disruption to the function and it was questioned by the father of the de-facto complainant/deceased. Due to which, the accused have went to the de-facto complainant's house and assaulted the de-facto complainant's father with a knife and bottle, due to which, he sustained grievous injuries and died. Hence, the case.

3. Learned counsel appearing for petitioners submitted that the petitioners are innocent persons, aged about 22 & 19 years respectively and they have been falsely implicated in this case. He further submitted that even as per the prosecution, the alleged offence is stated to be happened during the quarrel between two groups in the village and also submitted the petitioners have no intention or motive to commit the murder of the victim and the



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incident had happened during the quarrel. He also submitted that the similarly placed co-accused have been granted bail by this Court in Crl.O.P.No.4371 of 2023 vide order dated 21.03.2023. He further submitted that the petitioners have been suffering incarceration from 18.01.2023 and they are ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that during the Pongal festival, as the petitioners along with other accused had caused disruption to the function, the father of the de-facto complainant had questioned them, whereas, the accused, aggrieved over the same, have attacked him with a knife and bottle, due to which, he died. He further submitted that the investigation has been completed and the final report has also been produced before the trial Court and it is yet to be taken on file. However, he vehemently opposed to grant bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the age of the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant 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** (out of which, one shall be a blood related surety, who should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Chidambaram, Cuddalore**, 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, on every Tuesday and Sunday at 10.30 a.m., for the period of twelve weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either



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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.

31.03.2023

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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