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Crl.O.P.No.8717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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

Crl.O.P.No.8717 of 2023

1. Sathish

2. Silambarasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Sholingur Police Station,
Ranipet District.

(Crime No.276 of 2022).

... 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.276 of 2022, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.Adithya Varadarajan

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 on 02.03.2023, for the offences punishable under Sections 147, 148, 341, 294(b) & 302 of IPC, in Crime No.276 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.10.2022, when the de-facto complainant's brother had gone to a meat shop with his father-in-law, the accused, due to the previous enmity, picked up a quarrel with them, which resulted in an altercation, during which, the accused had assaulted the de-facto complainant's brother/victim with wooden log and due to which, he fell down unconscious and later he was taken to the hospital, unfortunately, the victim died without responding to the treatment. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, aged about 20 years and they have been falsely implicated in this case. He further submitted that even as per the complaint given by the de-facto complainant, the case came to be registered



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on 25.10.2022 in Crime No.276 of 2022 only against four named and two unnamed persons. He also submitted that the petitioners have been examined only as witnesses and their statements have also been recorded under Section 161 Cr.P.C, subsequently, based on the witness summons dated 27.10.2022 issued by the learned Magistrate to the petitioners for recording their statements under Section 164 Cr.P.C, they have gone to the Court, during which, the respondent has arrested them. He also submitted that even as per the prosecution, the petitioners were arrested only based on the confession statements recorded from A2 & A3 and they have not committed any offence as stated by the prosecution and also submitted that the main accused in this case has also been arrested and enlarged on bail.

4. He further submitted that the first petitioner has completed diploma in E.E.E and now studying B.E (E.E.E) and also working part time in a private concern and the second petitioner is studying 2nd year B.Sc., Computer Science. He also submitted that the petitioners are in custody from 02.03.2023 and they are also ready 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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5. Learned Government Advocate (Crl.Side) appearing for respondent submitted that due to the previous dispute, the petitioners along with other accused picked up a quarrel with the de-facto complainant's brother and assaulted him with wooden log, due to which, he sustained injuries and fell down unconscious and later, he died without responding to the treatment. He further submitted that during the course of enquiry and from the confession statements recorded from other accused A2 & A3, it came to light that the petitioners have also accompanied the main accused and they were well aware of their unlawful assembly, whereas, they have projected themselves as witnesses, who were present at the scene of occurrence. He also submitted that the investigation is still pending, hence, he vehemently opposed for grant of bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the fact that the main accused have been enlarged on bail 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sholingur**, 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 06.30 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



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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.

20.04.2023

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To

1. The Judicial Magistrate,
Sholingur.
2. The Inspector of Police,
Sholingur Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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