



Crl.O.P.No.14299 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14299 of 2023

1. Tanmay Roy

2. Sushanta Debshingha

... Petitioners

Vs.

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

(Crime No.101 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.101 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.K.Prabhakaran

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



CrI.O.P.No.14299 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.04.2023, for the alleged offences under Section 302 of IPC, in Crime No.101 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the de-facto complainant, the victim and the accused were working in Rucha Engineering Private Limited, Ezhagiri and on 17.04.2023, during a drinks party, there was a scuffle between the colleagues and during which, the accused, in an inebriated condition, had committed murder of the deceased/victim, by stabbing him with knife and also assaulted him with hands. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners, who are aged about 23 & 22 years respectively, are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners, who are the natives of West Bengal, are working as contract labours in Rucha Engineering Private Limited, Ezhagiri and on 17.04.2023, one Sivamkumar/A1 had conducted a party, during which, there



Crl.O.P.No.14299 of 2023

was a quarrel between two parties and at that time, the incident had happened. He further submitted that even as per the prosecution, A1 is stated to have stabbed the victim with knife and in respect of these petitioners, they are stated to have assaulted the victim with hands. He also submitted that other than assaulting the victim with hands, the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the parents of the petitioners are residing at West Bengal and they are also ready to stand as surety to the petitioners. He also submitted that the petitioners are in custody from 18.04.2023. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners, who are arrayed as A2 & A3, along with other accused, in an inebriated condition, had committed the murder of the deceased/victim by assaulting him with a knife and hands, due to the quarrel raised during a drinks party hosted by A1. He also submitted that no previous case is pending against these petitioners, however, since the petitioners are the native of West Bengal, there is every possibility of them absconding and would not be available for trial. Hence, he opposed for grant



Crl.O.P.No.14299 of 2023

of bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides, taking note of the period of incarceration undergone by the petitioners and also considering the fact that no previous case is pending against these 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 separate bond each for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one should be either the father or mother of the petitioners, who should produce the proof of their permanent residence, to satisfy the learned Magistrate), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, and on



Crl.O.P.No.14299 of 2023

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 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.

27.06.2023

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.No.14299 of 2023

ham

To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14299 of 2023

27.06.2023