



Crl.O.P.No.14331 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

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

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1. Prakash

2. Sathish

3. Sarathkumar

4. Hari Krishnan

5. Jegan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vellavedu Police Station,
Avadi District.

(Crime No.296 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 Crime
No.296 of 2023, pending on the file of the respondent Police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.05.2023, in connection with Crime No.296 of 2023, for the offence punishable under Sections 147, 148, 341 & 302 of IPC, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that on 12.05.2023, since his brother, in an inebriated condition, had teased one woman, the accused persons have quarrelled with him and thereby, his brother left the place. Whereas, on the same day, the accused persons have waylaid the de-facto complainant's brother/deceased and assaulted him with reaper log, due to which, he died. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons, who are all aged between 18 to 22 years and they have been falsely implicated in this case. He further submitted that the



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de facto complainant was not present at the scene of occurrence and the fact remains that the deceased/victim, in an inebriated condition, had teased a woman in the petitioners' area, thereby, the petitioners had questioned him and there was a quarrel and due to which, the deceased/victim had left the place. Later, after some time he picked up a quarrel with the petitioners and there was a scuffle, during which, the incident had happened and the petitioners have no intention or motive to commit the murder of the deceased/victim. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and they are in custody from 15.05.2023. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner had waylaid the de-facto complainant's brother and had committed the murder of him by assaulting him with a reaper log, since he had teased a woman in their area. He further submitted that the investigation in this case is still pending and also submitted that no previous case is pending against the petitioners, hence, he vehemently opposed for grant of bail to the petitioners.



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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 the learned counsel on either side and also considering the age of the petitioners and 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 separate bond each 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 No.II, Poonamalle**, 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;



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[b] the petitioners shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, everyday 10.30 a.m., for a period of two weeks and thereafter, report before the respondent Police, everyday 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 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.

28.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.II,
Poonamalle.
2. The Inspector of Police,
Vellavedu Police Station,
Avadi District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.

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