



CrI.O.P.No. 127 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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1. Ramkumar,
S/o. Raman

2. Senthamizhselvam,
S/o. Kannan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Vanur Police Station,
Vanur Tk., Villupuram Dt.
(Crime No.166 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.166 of 2022 on the file of respondent police.



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For Petitioners : Mr.S.Ramajayam

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.10.2022 for the alleged offence under Section 174 Cr.P.C. and subsequently altered into Sec.302 of I.P.C. in Crime No.166 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased was running a hotel and prior to this occurrence, on 09.10.2022, there was a wordy quarrel between A2 and the deceased. Thereafter, A2 conveyed the same to his friends. So, due to previous incident and wreck vengeance, on the next day, all the accused in an inebriated condition went to the deceased hotel, thereby they have made a wordy quarrel and indiscriminately attacked the deceased on his head, face and all over his body, resulting in which, he sustained grievous injuries and subsequently died. Hence, the complaint.



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3. The learned counsel for the petitioners submitted that this is the second petition seeking for bail. He would submit that the deceased normally admitted in hospital and died on 13.10.2022 and till his death, no complaint was lodged and there was four days delay in registering F.I.R. He would submit that there is no specific overtact attributed against the petitioners and they have not at all committed any offence as alleged by the respondent police and they are no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 86 days from 20.10.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are four accused and after the petitioners had a lunch, they refused to pay money, thereby there was a wordy quarrel in the hotel. He would submit that on the date of occurrence, all the accused persons in drunken mood went to deceased hotel and quarrelled with him, due to which, they attacked him, in which he sustained



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grievous injuries and later he died in hospital after 5 days. He would also submit that the petitioners are arrayed as A1 and A3 and co-accused A4 was arrested and released on bail and this is the second petition seeking for bail before this court. He would submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and also the fact that the investigation is almost completed, and on considering the fact that on the date of occurrence, there was a wordy quarrel, thereby on sudden provocation, they attacked and after 5 days, he died and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing his separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the



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learned District Munsif cum Judicial Magistrate Court, Vanur,

Villupuram District, 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 appear before the respondent police daily at 10.30 a.m. for the period of two months and thereafter, on every Saturday at 10.30 a.m. for another period of two months.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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



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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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

- 1.The District Munsif cum Judicial Magistrate, Vanur,
Villupuram Dt.
- 2.The Inspector of Police,
Vanur Police Station,
Vanur Tk., Villupuram Dt.
3. The Superintendent
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras



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