



WEB COPY



CrI.O.P.No. 29242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29242 of 2023

1.Boominathan

2.Nakkeeran @ Premkumar

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Station House Officer,
Thiruppapuliur Police Station,
Cuddalore District.

Crime No.386 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioners / Accused on bail in Crime No.386 of 2023

pending on the file of the respondent Police.

For Petitioners : Mr.A.Pattujeyaram

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody
on 04.09.2023 for the offences punishable under Sections 147, 148, 294(b),



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324, 506(ii), 307 and 302 of IPC and Section 4 of TNPHW Act, in Crime No.386 of 2023 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. During the baby shower ceremony of their relative, there was a wordy quarrel arose between the family members and during the quarrel, the petitioners assaulted the husband of the defacto complainant /deceased with wooden log and iron rod. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the co-accused in this case has already been granted bail by this Court and the petitioner has been in judicial custody from 04.09.2023. Hence, he seeks for granting of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that during the function, the petitioners along with other accused who are the relatives of the defacto complainant assaulted the deceased/husband of the defacto complainant with wooden log and iron rod and he succumbed to the injuries. She further submitted that the investigation has been completed and the charge sheet has also been filed. Hence, she opposed for granting of bail to the petitioners.



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5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and also considering that the investigation has been completed and the charge sheet has also been filed, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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, Additional Mahila Court, Cuddalore and on further conditions that:

[b] the petitioners shall report before the trial Court daily at 10.00 A.M., for a period of 30 days.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

vkr/apd

To

1. The Judicial Magistrate, Additional Mahila Court, Cuddalore.
2. The Inspector of Police, Station House Officer,
Thiruppapuliyur Police Station,
Cuddalore District.
3. The District Prison, Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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