



Crl.O.P.No.2112 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.2112 of 2024

1.Mohan

2.Gurumoorthi

3.Iyyanar

...Petitioners/Accused 3-5

Vs.

State represented by
The Inspector of Police,
Magudamchavadi Police Station,
Salem District.

(Crime No.413 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.413 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.AM.Esakkiappan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioners/A3 to A5 in Crime No.413 of 2023, originally registered by the respondent police for the offence under Section 174 of Cr.P.C., and later altered to Section 304(2) of IPC and subsequently again altered to Sections 147, 148 and 302 of IPC, seek bail. The petitioners had been remanded to custody on 02.12.2023.

2.It is the case of the prosecution that the mother of the deceased had given a complaint that the deceased was an alcoholic and had been admitted to a home for de-addiction purposes. The 1st and 2nd accused were running the home.

3.It is stated by the learned counsel for the petitioners that these petitioners/A3 to A5 were inpatients and that there is no direct overt act as against them. It is stated that A1 and A2 alone had tied the hands and legs of the deceased and also put a cloth in his mouth probably to give effective treatment or whatever purpose but there are injuries in the body of the deceased. The Post Mortem report says that quite apart from the



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injuries in the other regions of the body of the deceased there was also a contusion injury in the abdomen region.

5.The earlier application seeking bail had been dismissed by this Court on 11.01.2024 in Crl.O.P.No.533 of 2024. The change in circumstance is that investigation has proceeded to a substantial extent.

6.It is also informed that these petitioners also come there for getting treatment and incidentally are also used or rather exploited by A1 and A2 at that time when another patient comes to assist in giving treatment by A1 and A2 called “treatment”.

7.Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate II, Sangagiri, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

07.02.2024

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C.V.KARTHIKEYAN. J.
ata

To

1. The Judicial Magistrate II, Sangagiri.
2. The Central Prison, Salem.
3. The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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