



Crl.O.P.No.11123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE **K. KUMARESH BABU**

Crl.O.P.No.11123 of 2024

1. Arun Kumar
2. Sankar

..Petitioners

Vs.

State rep by
Inspector of Police,
T-4, Sankar Nagar Police Station,
Tambaram.
(Crime No.120 of 2024)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.120 of 2024 pending investigation on the file of the respondent Police.

For petitioners : Mr.Krishnasamy Chinnasamy
for Mr. V.Saravanan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.03.2024 for the offences originally registered by the respondent Police under Section 174 of Cr.P.C and later, altered to Sections 294(b), 304(2), 323 and 506(i), in Crime No.120 of 2024 on the file of the respondent, seeks bail.

2.It is stated that the the deceased was worked as Supervisor in the defacto complainant's Hotel. These petitioners came into the defacto complainant's hotel and bought food items and they have asked extra food items. Regarding the same, the petitioners have picked quarrel with the deceased, assaulted him indiscriminately and pushed him down and caused fatal injuries and subsequently he died.

3. It is stated by the learned Government Advocate (Crl.side) that the petitioners alleged to have beaten the deceased indiscriminately- who is the Supervisor in the Hotel, due to which, he died.



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4.The learned counsel for the petitioners stated that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution.

5. Consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the each of petitioners are ordered to be released on bail on condition to execute separate bonds 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 District Munsif-Cum-Judicial Magistrate, Pallavaram 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 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.

08.05.2024

Vv



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To

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1. The District Munsif-Cum-Judicial Magistrate,
Pallavaram
2. The Central Prison-II, Puzhal.
3. The Inspector of Police,
T-4, Sankar Nagar Police Station,
Tambaram.
4. The Public Prosecutor,
High Court of Madras.



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K. KUMARESH BABU. J.

Vv

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