

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL ORIGINAL PETITION No.12771 of 2018

1 HARIHARAN

[PETITIONERS / ACCUSED]

2 VIDHYA

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.364 OF 2018

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate
O/O PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 21.04.2018 for the offences punishable under Sections 294 [b], 420, 324, 307 IPC in Crime No.364/2018 on the file of the respondent police, seek bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners, under the false promise of securing a job for the defacto complainant, received a sum of Rs.3 lakhs from the defacto complainant. However, they could not secure a job for the defacto complainant. When the defacto complainant requested the petitioners to return the money back to him, the petitioners abused the complainant and also attacked him with a knife on his head. Though the complainant escaped from the said attack, he sustained injuries on his index finger.

4.The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the case and that they are innocent. It is submitted that the petitioners/accused have also lodged a complaint against the complainant and this is a case in counter.

5.The learned Government Advocate [Crl.Side] submitted that the injured has already been discharged from the hospital.

6. In the instant case, the accused have been arrested on 21.04.2018 and they have been in judicial custody for the past 22 days and most part of the investigation should have been concluded by now. The injured has also been discharged from the hospital. In the facts and circumstances of the present case, I am inclined to grant bail to the petitioners subject to the following conditions:

7. The petitioners are ordered to be released on bail on the petitioners **depositing a sum of Rs.1,50,000/- [Rupees One Lakh and Fifty thousand only]** to the credit of Cr.No.364/2018 on the file of the learned Judicial Magistrate No.2, Villupuram, within a period of four weeks from the date of receipt of a copy of this order and on each of them executing a 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, No.2, Villupuram and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

[d] 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]**.

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

-sd/-

16/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.9186

CRL OP.12771/2018

Date :16/05/2018

rvr 16/05/2018