

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.3203 & 3276 of 2019

AYYAPPAN

[PETITIONER / ACCUSED in
CRL.OP.3203/2019]

PRASATH

[PETITIONER/ACCUSED IN
IN CRL.OP.3276/2019]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.07 OF 2019.

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate IN BOTH THE PETITIONS

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1& A2, who were arrested and remanded to judicial custody on 14.01.2019 for an offence under Sections 341, 294 (b), 353, 307 & 506(ii) IPC in Crime No.07 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the police were on patrol duty on 13.01.2019 and they stopped the vehicle in which, the accused persons were travelling. There was a wordy quarrel and the accused persons attacked the police personnel and caused some injuries. That apart, they also took away the vehicle key of the police. Both the accused persons were remanded to judicial custody on 14.01.2019.

3. The learned counsel for the petitioner submitted that a false case has been foisted against these petitioners and they have been inside the jail for more than 25 days. The learned counsel further submitted that the police personnel were treated as out-patient and discharged on the same day.

4. The learned Additional Public Prosecutor submitted that the
<https://e-services.courtsofgov.in/e-services/> the vehicle on a routine check and these

petitioners had gone to the extent of attacking the police personnel and also taken away their vehicle key. The learned counsel further submitted that A1 has one previous case.

5. This Court has carefully considered the submissions made on either side.

6. Taking into consideration the fact that the petitioners have suffered incarceration for more than 25 days and the fact that the police personnel were treated as out-patients and discharged on the same day and also of the fact that no major injuries have been caused in this case, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mannargudi 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, daily at 10.30 a.m, until further orders.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-
08/02/2019

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.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

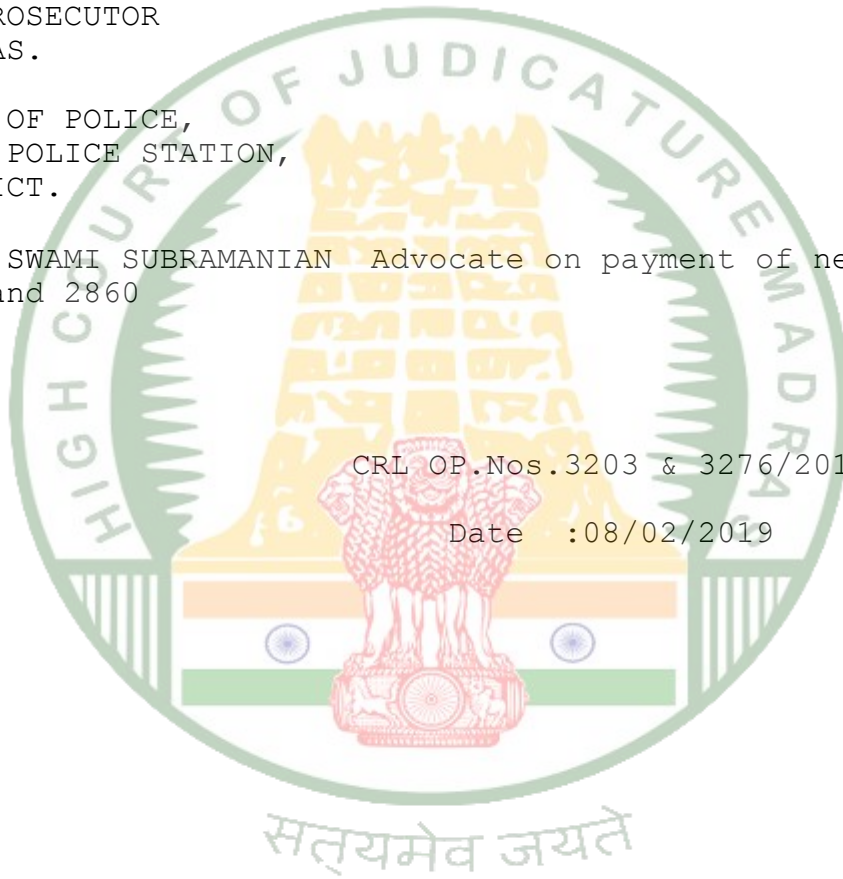
5 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

+2 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges-Sr.2857 and 2860

CRL OP.Nos.3203 & 3276/2019

Date :08/02/2019

THS : 08.02.2019



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