

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3783 of 2021

1.R.Bharath @ Appu
2.Ganapathy

... Petitioners

Vs.

State Represented By
The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai.
Cr.No.39/2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in FIR in Crime No.39/2021 on the file of the respondent police.

For Petitioners : Mr.M.Krishnamoorthy

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 09.01.2020 for the offence punishable under Sections 294(b), 323, 324 and 307 of IPC in Crime No.39 of 2021, seeks bail.

2. Totally there are 4 accused and the petitioners are arrayed as A1 and A2. The case of the prosecution is that there was dispute between the parties regarding pathway. Due to the same, on 13.02.2021, quarrel arose between them, in which, the petitioners along with other accused said to have abused the defacto complainant and also attacked him with dangerous weapon. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that due to previous enmity regarding civil dispute, a false case has been foisted against the petitioners. He would further submit that co-accused in this case were granted anticipatory bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to civil dispute, the petitioners along with other accused attacked the injured by using dangerous weapon. Now, injured has been discharged from the hospital. The first petitioner is involved in 2 previous cases. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that injured has been discharged from the hospital and co-accused have already been released on bail and also considering the period of incarceration suffered by the petitioners, this Court is 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tiruvannamalai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/02/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

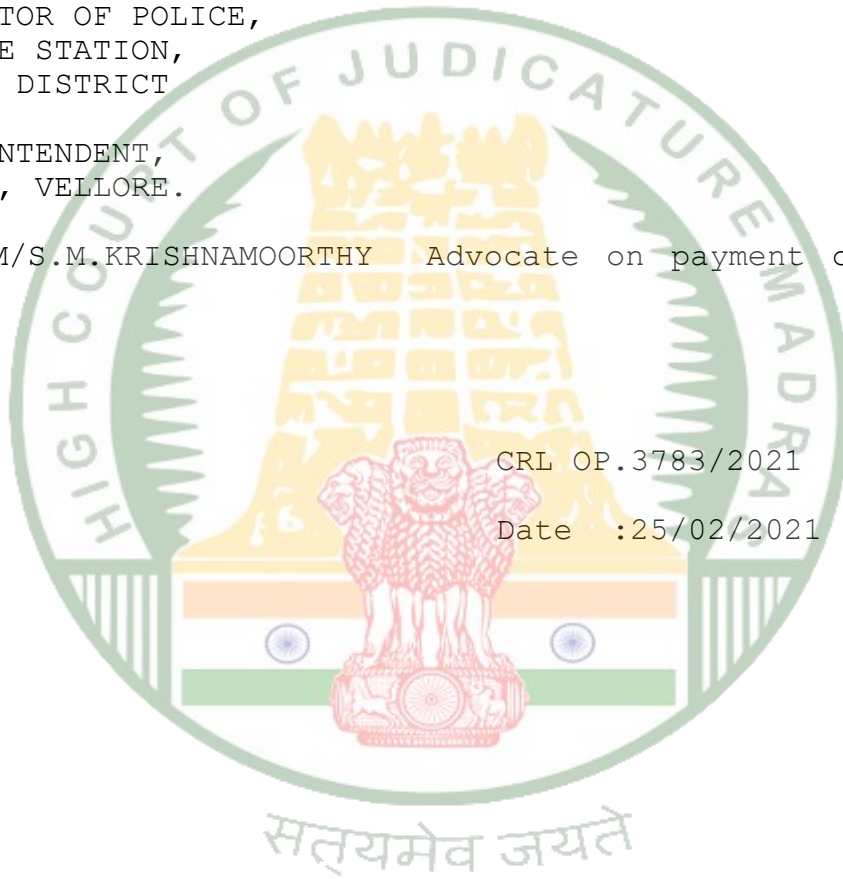
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary
charges

CRL OP.3783/2021

Date :25/02/2021

RVR 26/02/2021



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