

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3819 of 2021

1. Parthiban  
2. Vinothkumar

... Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
P-2 Otteri Police Station,  
Chennai.  
(Crime No.73 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.73 of 2021 on the file of respondent police.

For Petitioners: Mr.R. Muthukumar

For Respondent : Mrs.M. Prabhavathi,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

Totally, there are five accused and the petitioners are arrayed as A2 and A6. The petitioners, who were arrested and remanded to judicial custody on 26.01.2021 for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii) and 307 of I.P.C., in Crime No.73 of 2021, seek bail.

2. The case of the prosecution is that on 23.01.2021 while the defacto complainant, who was a flower vendor, was sleeping in the platform, all the accused persons, in an inebriated mood, making noise and when she questioned the same, all the accused attacked her with knife and caused serious injuries. Hence, the criminal case has been registered against the petitioners.

3. The learned counsel appearing for petitioners would submit that they have been falsely implicated in this case and they are no way connected with the offence as alleged by the prosecution. He would submit that the similarly placed persons were arrested and released on bail and the injured was also discharged from the hospital. He would submit that the petitioners are in jail from

26.01.2021. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused are rowdy elements and on the date of occurrence, when the injured lady was sleeping in the platform, all the accused persons have raised noise, and when the same was questioned by the defacto complainant, they have attacked her with knife, thereby caused serious injuries. She would submit that co-accused were arrested and released on bail and the injured was also discharged from the hospital. However, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that, the similarly placed accused were arrested and released on bail, investigation is almost completed, and the injured was discharged from the hospital and also considering the period of incarceration suffered by the petitioners from 26.01.2021, 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 X Metropolitan Magistrate, Egmore, Chennai, 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, on their release from prison, shall report before the respondent police daily at 10.30 a.m. for the 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 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];

(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/-  
02/03/2021

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 X METRTOPOKITAN MAGISTRATE,  
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOKITAN MAGISTRATE,  
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
P-2, OTTERI POLICE STATION,  
CHENNAI.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

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

WEB COPY CRL OP.3819/2021  
Date :02/03/2021

MN-03/03/2021