

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4778 of 2021

1.Dheena @ Nalu Masuru @ Dineshkumar
2.Vikaram @ Vikraman

... Petitioners

Vs.

The Inspector of Police,
Mangadu Police Station,
Kancheepuram District.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.27 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Gopalakrishnan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 15.01.2021 for the offence punishable under Sections 147, 148, 341, 294(b), and 307 of IPC in Crime No.27 of 2021, seek bail.

2. Totally, there are 6 accused and the petitioners are A3 and A4. The case of the prosecution is that the defacto complainant is an accused in another murder case, where, he said to have murdered one Prasanth. The accused in this case are relative and friends of the said Prasanth. In retaliation, all the accused abducted the defacto complainant and attacked him with deadly weapons and caused serious injuries to him. Hence, the case has been registered against them.

3. The learned counsel for the petitioners would submit that absolutely, there is no eye witness to the occurrence and the petitioners have been falsely implicated in this case. Now, injured has been discharged from the hospital. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioners are involved in a murder case of one Prasanth, who is relative of A1, in retaliation, all the accused in this case conspired together and attempted to commit murder the defacto complainant and caused serious injuries. Now, injured has been discharged from the hospital. However, she opposed to grant bail to the petitioners.

5. I have considered the submissions and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case and the fact that injured has been discharged from the hospital 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, Sriperumpudur 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 twice, i.e. at 10.30 a.m. and 4.30 p.m., until further orders;

(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 55601;

<https://hcservices.ecourts.gov.in/hcservices/>

(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/-
11/03/2021

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, NO.II,
PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to Mr.B.Gopalakrishnan Advocate on payment of necessary charges SR NO.3153

CRL OP.4778/2021

Date :11/03/2021

MK:12/03/2021