

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4946 of 2021

1.Ajithkumar
2.Praveenkumar

... Petitioners

Vs.

State rep.by
The Inspector of Police,
Belukurichi Police Station,
Namakkal District.
(Crime No.105 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.105 of 2021 on the file of the respondent police.

For Petitioners: Mr.W.Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 15.02.2021 for the offence punishable under Sections 294 (b), 341, 342, 307, 323 of IPC and 3(1) of TNPPDL Act in Crime No.105 of 2021, seek bail.

2. Totally, there are 3 accused and the petitioners are A2 and A3. The case of the prosecution is that there was wordy quarrel between two groups, in which, all the accused persons attacked the defacto complainant and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that it is a case in counter. Due to wordy quarrel, both the parties attacked each other, in which, A1 also sustained injury and a case in Crime No.106 of 2021 has been registered against the de-facto complainant and others. Now, injured in this case has been discharged from the hospital. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in a group clash between two groups, the petitioners along with other accused attacked the defacto complainant and he sustained grievous injuries and counter case is also pending. 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 counter case is also pending 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, Senthamangalam 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 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/-
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,
SENTHAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BELUKURICHI POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO. 3149

WEB COPY

CRL OP.4946/2021

Date :11/03/2021