

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5022 of 2021

1. Ajith Kumar
2. Vishal
3. Rajesh @ Bonda Rajesh
4. Somu @ Somanathan
5. Picho @ Vijayakumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
D-5, Marina Police Station,
Light House, Chennai-4.
(Crime No.22 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.22 of 2021 on the file of Respondent police.

For Petitioners : Mr.S.Divan Mydeen

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

सत्यमेव जयते
O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioners are arrayed as A1 to A5. The petitioners, who were arrested and remanded to judicial custody on 27.01.2021 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of I.P.C. in Crime No.22 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the petitioner picked up quarrel with the defacto complainant and attacked him with knife and sickle, thereby caused injuries to them. Hence, a criminal case has been registered against the petitioners and they have been arrested and remanded to judicial custody on 27.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the occurrence was taken place due to a wordy quarrel between the parties. He would submit the petitioners are innocent persons, they have been falsely implicated in the present case and they have not involved in the offence as alleged in the complaint. He would submit that now the injured was discharged from the hospital and the investigation is almost completed. He would submit that they are in jail from 27.01.2021. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that there is no bad antecedents against the petitioners. She would submit that now, the injured discharged from the hospital. However, she opposed to grant bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the occurrence taken place in a wordy quarrel between the parties, now the injured was discharged from the hospital, the investigation is almost completed, and considering the period of incarceration suffered by the petitioners from 27.01.2021, 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 Metropolitan Magistrate No.II, 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, after their release from prison, shall report before the respondent daily at 10.30 a.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 5560];

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

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

-sd/-
12/03/2021

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 METROPOLITAN MAGISTRATE
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-2, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

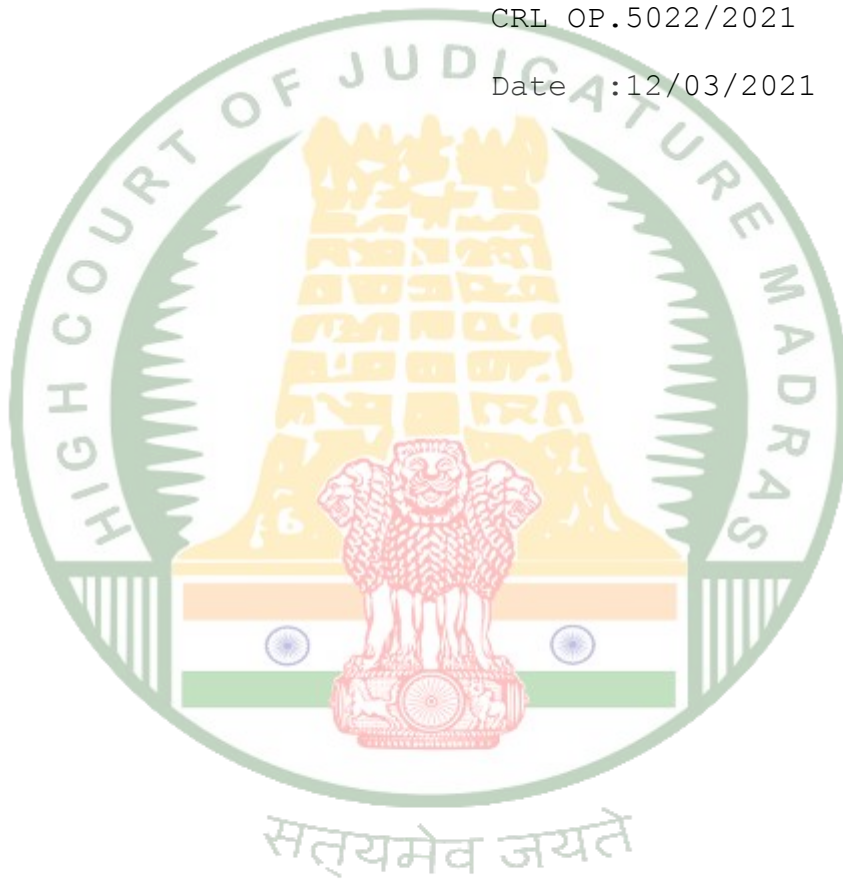
5 THE INSPECTOR OF POLICE,
D-5, MARINA POLICE STATION,
LIGHT HOUSE, CHENNAI.

+1 CC to M/S.S.DIVAN MYDEEN Advocate on payment of necessary
charges SR.No.3232

CRL OP.5022/2021

Date :12/03/2021

cs 15/03/2021



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