

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6669 of 2021

1. Durai
2. Munusamy
3. Deepa

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.57 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.E. Sathiyaraj

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 20.02.2021 and remanded to judicial custody for the offences under Sections 341, 294(b), 323, 324, 506(ii), 307 of IPC and later the sections were altered as 341, 294(b), 323, 324, 506(ii), 307 and 302 of IPC in Cr.No.57 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant belong to the same family and there was some dispute between them with regard to purchase of a land. Due to which, the petitioners assaulted the defacto complainant and his father with iron rod and caused injuries to them. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submits that there was only a wordy quarrel between the petitioners and the defacto complainant. Due to which a false case has been lodged against the petitioners and the petitioners have been in jail from 20.02.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners assaulted the defacto complainant and his father with iron rod and caused injuries to them. She would further submit that investigation is almost completed and the injured discharged from the hospital.

5. Taking into consideration the fact that investigation is almost completed and the injured discharged from the hospital and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned **District Munsif Cum Judicial Magistrate, Kalasapakkam, Tiruvannamalai District** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]**; and;

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

-sd/-

16/04/2021

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

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KALASAPAKKAM, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

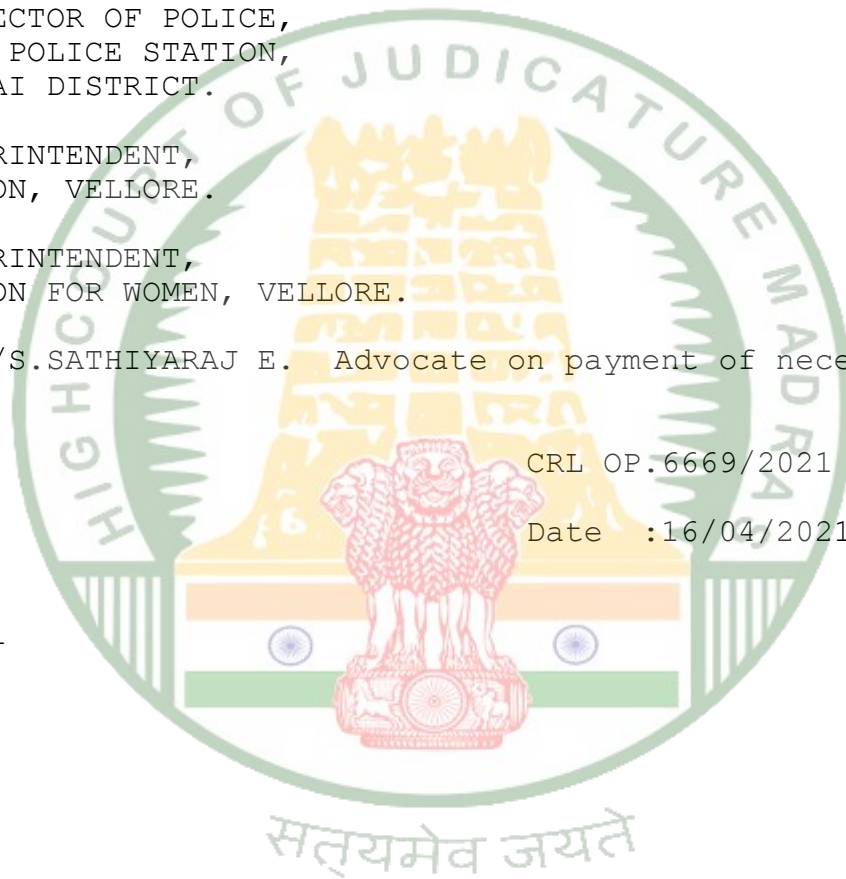
6 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

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

CRL OP.6669/2021

Date :16/04/2021

TA-16/04/2021



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