

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.04.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.O.P.No.6693 of 2021**

1.Gangadharan @ Ganguly  
2.Tamilselvan @ Selva ... Petitioners

Vs.

State By Inspector of Police,  
H-8, Thiruvottiyur Police Station,  
Chennai – 600 019.  
(Crime No.121 of 2021) ... Respondent

**Prayer:**

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail relating to Crime No.121 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Arun Kumar  
For Respondent : Ms.M.Prabhavathi  
Additional Public Prosecutor

**ORDER**

The petitioners who were arrested and remanded to judicial custody on 17.03.2021 for the offence under Sections 341, 294(b), 323, 324, 307, 506 (II) of I.P.C. in Cr.No.121 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that due to previous enmity, the petitioners are alleged to have attacked the defacto complainant. The petitioners are arrayed as A3 and A4 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that there is one previous case pending as against A3 and there is no previous case as against A4 and would further submit that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the

learned Judicial Magistrate at Thiruvottiyur 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. for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(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 petitioners 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;

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

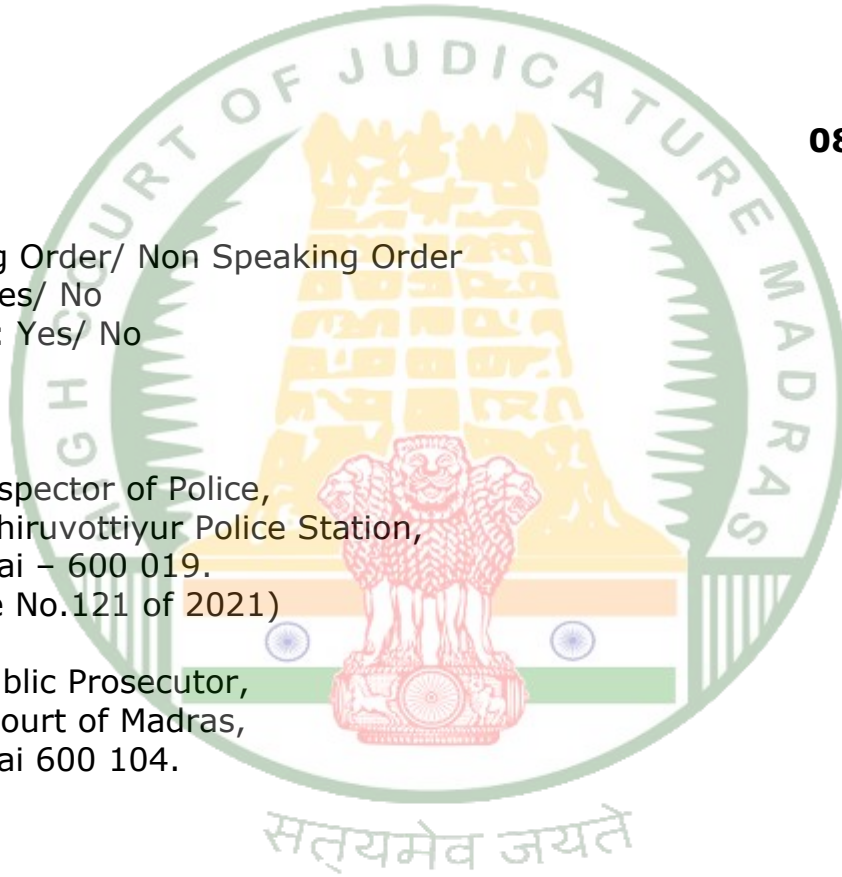
**08.04.2021**

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Speaking Order/ Non Speaking Order  
Index: Yes/ No  
Internet: Yes/ No

To

- 1.The Inspector of Police,  
H-8, Thiruvottiyur Police Station,  
Chennai – 600 019.  
(Crime No.121 of 2021)
- 2.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



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