

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30..03..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.7168 of 2020

1.V.Manikandan
2.M.Thendapani

... Petitioners

-Versus-

The State Rep. by
Rep. by The Inspector of Police,
Madathukkulam Police Station,
Madathukkulam, Tiruppur District.
[Crime No.80 of 2020]

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.80 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. K.Anandhan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioners are A2 and A3. They were arrested and remanded to judicial custody on 20.03.2020 in connection with a case registered in Crime No.80 of 2020 registered for the offence punishable u/s 307 and 341 of IPC @ into Section 120-B, 307, 341, 506(ii) of IPC, seek bail.

2. The allegation is that the petitioners due to previous enmity attacked the de facto complainant and caused injuries.

3. Heard both sides.

4. On considering the fact that the injured had been discharged from the hospital after treatment for minor injuries and also on considering the pandemic situation due to COVID19, this court has granted interim bail by this court, by order dated 30.03.2020 and the petitioners have been enjoying bail all along.

5. Though the learned Additional Public Prosecutor strongly opposed the petition. He however submitted that investigation is almost completed.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners, who have been released on interim bail, are directed to appear before the learned Judicial Magistrate, Madathukkulam, Tirupur District, within a period of fifteen days from the date of receipt of a copy of this order and on such appearance and furnishing surety bond for a sum of Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the court, the petitioners are directed to be released on regular bail 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 by the respondent police;

(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 have been 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.

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

-sd/-

30/03/2021

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,
MADATHUKKALAM, TIRUPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE ADDITIONAL PUBLIC
PROSECUTOR, MADRAS HIGH COURT,
CHENNAI.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPUR,
TIRUPPUR DISTRICT.

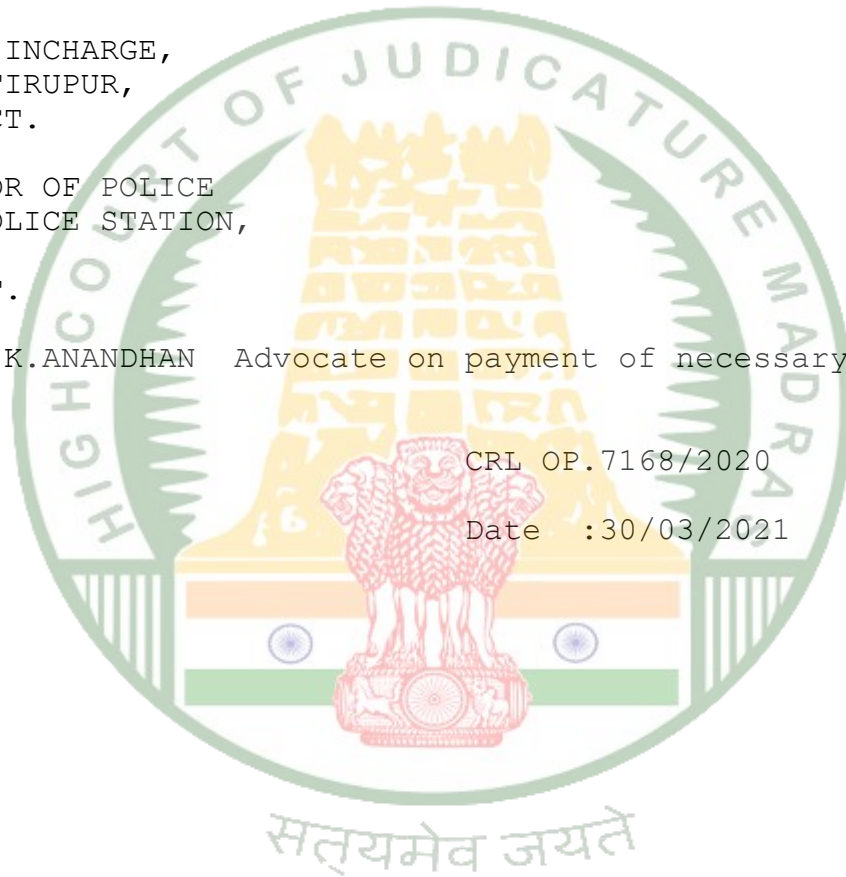
5 THE INSPECTOR OF POLICE
MADATHUKKULAM POLICE STATION,
MADATHUKKULAM,
TIRUPUR DISTRICT.

CC to M/S. K.ANANDHAN Advocate on payment of necessary charges

CRL OP.7168/2020

Date :30/03/2021

rvr 01/04/2021



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