

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

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

CrI.O.P.No.7249 of 2021

1.Elumalai

2. Saraswathi

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Thiruvannamalai District.
Crime No.35 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to grant bail to the petitioners/accused in Crime No.35 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 28.03.2021 for the offence under Section 294(b), 323, 324 and 307 IPC in Crime No.35 of 2021, on

the file of the respondent police, seek bail.

2. It is the case of the prosecution that due to wordy quarrel between the petitioners and the defacto complainant, the petitioner abused the defacto complainant with filthy language, attacked him and caused injuries. Hence , the respondent police has registered a case and arrested the accused persons.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are nothing to do with the alleged offence as stated by the prosecution and they are in custody from 28.03.2021. Hence, he learned counsel prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that due to previous enmity, the petitioners and the defacto complainant attacked each other and the defacto complainant sustained injuries. There are two previous cases pending against the petitioners and the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the injured person has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with the following conditions:

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, Thandarampattu 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 are directed to appear before the respondent police daily morning at 10.30 am 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;

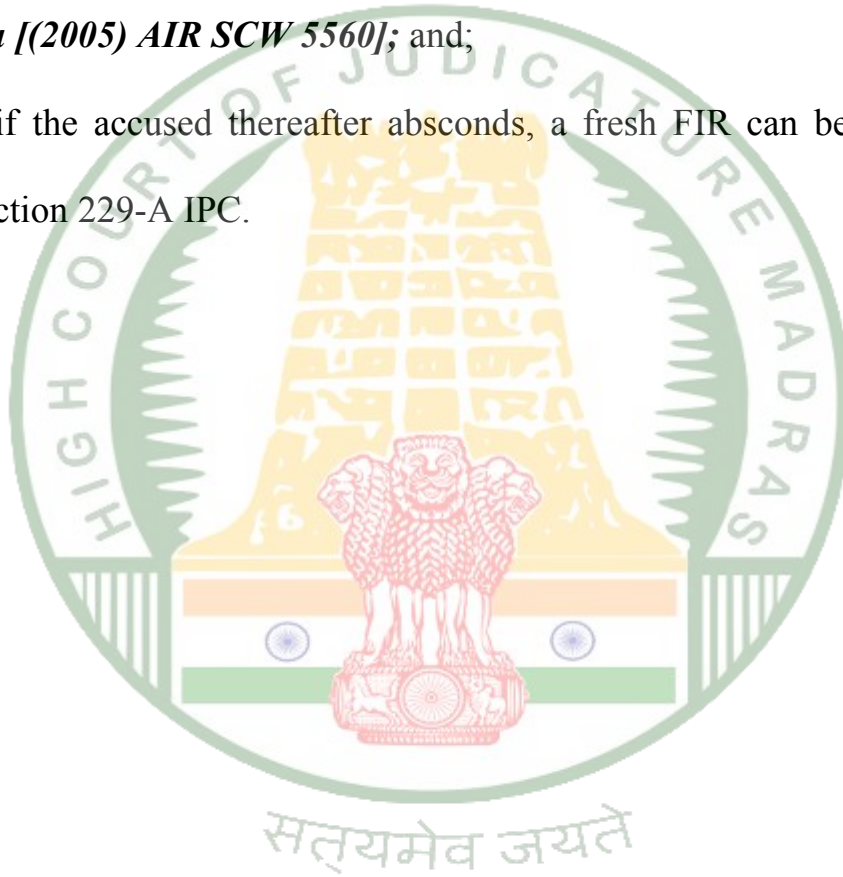
(e)on breach of any of the aforesaid conditions, the learned

Magistrate/ Trial Court is entitled to take appropriate action against the 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]***; and;

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

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19.04.2021



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To

1. The Inspector of Police,
Vanapuram Police Station,
Vanapuram,
Thiruvannamalai District.

2. The Judicial Magistrate,
Thandarampattu.

3. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI,J.

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