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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7643 of 2021

1. G. Sridar
2. A. Palani
3. Krishnan

... Petitioners

Vs.

State Rep by
The Sub Inspector of Police,
Nemili Police Station,
Ranipet District.
(Crime No.70 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release on bail in Crime No.70 of 2021 on the file of the respondent police.

For Petitioners : Mr.N. Manoharan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 02.04.2021 and remanded to judicial custody for the offences under Sections 294(b), 323, 324, 506 (ii) and subsequently altered to 294(b), 323, 324 and 506(ii), 147, 148 and 307 of IPC in Cr.No.70 of 2021 on the file of the respondent police, seek bail.

2. Totally there are five accused in this case and the petitioners herein are A1, A2 and A3. The case of the prosecution is that the petitioners abused the defacto complainant and attacked him with knife and caused grievous injuries to him. Hence the complaint.

3. The learned counsel for the petitioner submits that there was political dispute between the petitioners and the defacto complainant, due to which the petitioners have been falsely implicated in this case and they are judicial in judicial custody from 02.04.2021. Hence, he prays to grant bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed the bail application stating that the petitioners abused the defacto complainant and attacked him with knife and caused grievous injuries to him. He further submits that with regard to first petitioner there are 6 previous cases pending against him and with regard to second and third petitioners there are no previous cases pending against them. She submits that investigation is almost completed.

5. Considering the said fact that A1 has 6 previous cases to his credit this Court is not inclined to grant bail to the A1/first petitioner and this application is dismissed with regard to the A1/first petitioner. So far as second and third petitioners/A2 and A5 are concerned, considering the period of incarceration suffered by them and the investigation is completed, this Court is inclined to grant bail to the second and third petitioners/A2 and A5 subject to the following conditions:

6. Accordingly, the second and third petitioners are ordered to be released on bail on his 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, Arokonam and on further condition that:

(a) the second and third petitioners and their 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 second and third petitioners shall report before the respondent police, daily at 10.30 a.m until further orders.

(c) the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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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-sd/-

26/04/2021

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,
AROKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.N.MANOCHARAN Advocate on payment of necessary charges
Sr.5324

CRL OP.7643/2021

Date :26/04/2021

RVR 26/04/2021