

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9141 of 2021

1. Paambu @ Pahkahthsing
2. Manikandan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep. By
Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
Crime No.307 of 2021.

... Respondent/Complainant

For Petitioner : M/s.V.Balamurugan
Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioners on bail pending investigation in
Crime No.307 of 2021 on the file of the respondent police.

ORDER

The petitioners, who were arrested on 31.03.2021 for the
offences punishable under Sections 294(b), 341 and 307 of IPC in
Crime No.307 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous
motive, the petitioners said to have attacked the victim on
31.03.2021 at about 12.00 clock midnight. Hence, the complaint.

3.The learned counsel for the petitioners submitted that
the petitioners are innocent persons and they are in judicial custody
from 31.03.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposes this petition. Sofar as the first petitioner(A1) is concerned, for the reason that he has two previous cases, one is under Section 307 IPC and another one is under Section 302 IPC. However, he further submitted that the injured has been discharged from the hospital.

5. Taking note of the fact that the victim has been discharged from the hospital and the petitioners are in judicial custody from 31.03.2021, this Court is inclined to grant bail to the second petitioner(A2) alone. Insofar the first petitioner (A1) is concerned, taking note of the previous cases u/s 307 and 302 IPC, this Court is not inclined to grant bail to the 1st petitioner (A1).

6.Accordingly, the second petitioner(A2) is 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kumarapalayam 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 second petitioner(A2) shall report before the respondent police daily at 10.30 am., until further orders.
- c) the second petitioner(A2) shall not abscond either during investigation or trial.
- d) the second petitioner (A2) shall not tamper with evidence or witness 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].
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. In the result, this Criminal original Petition is partly allowed.

-sd/-

13/05/2021

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,
KUMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. V.BALAMURUGAN Advocate on payment of necessary charges

CRL OP.9141/2021

Date :13/05/2021

RVR 17/05/2021

WEB COPY