

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10221 of 2021

1.Dinesh @ Pambu Dinesh @ Dinesh babu
2.Vincent @ Vincent Paulraj .. Petitioners/Accused A1 and A4

/versus/

State by
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
(Crime No.239 of 2021) .. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.239 of 2021 for under Sections 341, 147, 148, 294(b), 323, & 307 of IPC on the file of the respondent.

For Petitioners : Mr.S.Senthil Kumar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners/A1 and A4, who were arrested and remanded to judicial custody on 06.05.2021 for the offence punishable under Sections 341, 147, 148, 294(b), 323 & 307 of IPC in Crime No.239 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that totally 7 accused are involved in this case. Due to previous enmity, the petitioners along with other accused attacked the defacto complainant on his head with knife and thereby he caused injures. Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Further, he would submit that the co-accused/A3 and A5 were released on bail before the Principal Sessions Court at Thiruvallur on 26.05.2021 in Crl.M.P.No.2271 of 2021 and 2275 of 2021. The defacto complainant is an accused in S.C.No.36 of 2020 on the file of the Additional District Court-II at Poonamallee and he is a habitual offender. Further, he would submit

that the petitioners are in judicial custody from 13.05.2021. Hence, he prays bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that due to previous enmity, the petitioners along with other accused attacked the defacto complainant on his head with knife and thereby he caused injuries. The injured has been discharged from the hospital. Further, he would submit that the first accused/first petitioner is having two previous cases and the fourth accused/2nd petitioner is having three previous cases. Further, he would submit that the investigation is still pending. Hence, he opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that the injured has been discharged from the hospital and the period of incarceration of imprisonment, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition that each of the petitioners shall execute their own bond for a sum of Rs.10,000/-(Rupees ten thousand only) each before the Superintendent of the concerned prison;

[b]thereafter, each of the petitioners shall execute two blood related surety for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from lifting of lock down and commencement of regular function of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c]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.

[d]the petitioners shall stay at Coimbatore and report before the Ganapathy Police Station daily at 10.00 a.m., in the morning and 05.00 p.m., in the evening for a period of four weeks and thereafter, the petitioners shall report before the respondent police daily at 10.30 a.m., in the morning and 05.00 p.m., in the evening for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/06/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

6 THE OFFICER INCHARGE,
GANAPATHY POLICE STATION,
COIMBATORE.

CC to M/S.S.SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.10221/2021

Date :11/06/2021