

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.10658 & 10662 of 2021

Manikandan ... Petitioner in Crl.O.P.No.10658 of 2021
1. Silambarasan
2. Saravanan ... Petitioners in Crl.O.P.No.10662 of 2021

Vs.

The State Represent by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
Crime No.370 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.370 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Abdul Samath (in both the petitions)

For Respondent : Mr.A.Gopinath (in both the petitions)
Government Advocate (Crl side)

COMMON ORDER

The petitioners, who were arrested on 03.06.2021 and remanded to judicial custody for the offence under Section 147, 148, 341, 294(b), 323, 324, 307, 506(ii) of IPC in Cr.No.370 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused persons, due to previous enmity, abused the defacto complainant and assaulted and caused injuries. Based on the complaint lodged by the defacto complainant, the respondent Police registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are is no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 03.06.2021. Hence, he prays for grant of bail. Incidentally, it is further

submitted that the petitioners are at present lodged in the Sub Jail and District Jail, Villupuram and this Court may direct the respondents to transfer them where they may be permitted to execute the bond while coming out of bail.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioners attacked the defacto complainant and caused injuries and he has taken treatment as an inpatient and he was discharged from the hospital.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation and the injured person having been discharged from the hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the respondents are directed to transfer the petitioners from the Sub Jail and District Jail, Villupuram to Central Prison, Cuddalore forthwith. On such transfer, and the petitioners shall execute individual bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Cuddalore in which the petitioners are directed to be confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, the petitioners shall execute individual bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Ulundurpet;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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 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]; and;

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

-sd/-

29/06/2021

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,
NO.II, ULUNDURPET

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

5 THE INSPECTOR OF POLICE
THIRUNAVALUR POLICE STATION,
KALLAKURICHI DISTRICT.

6 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM

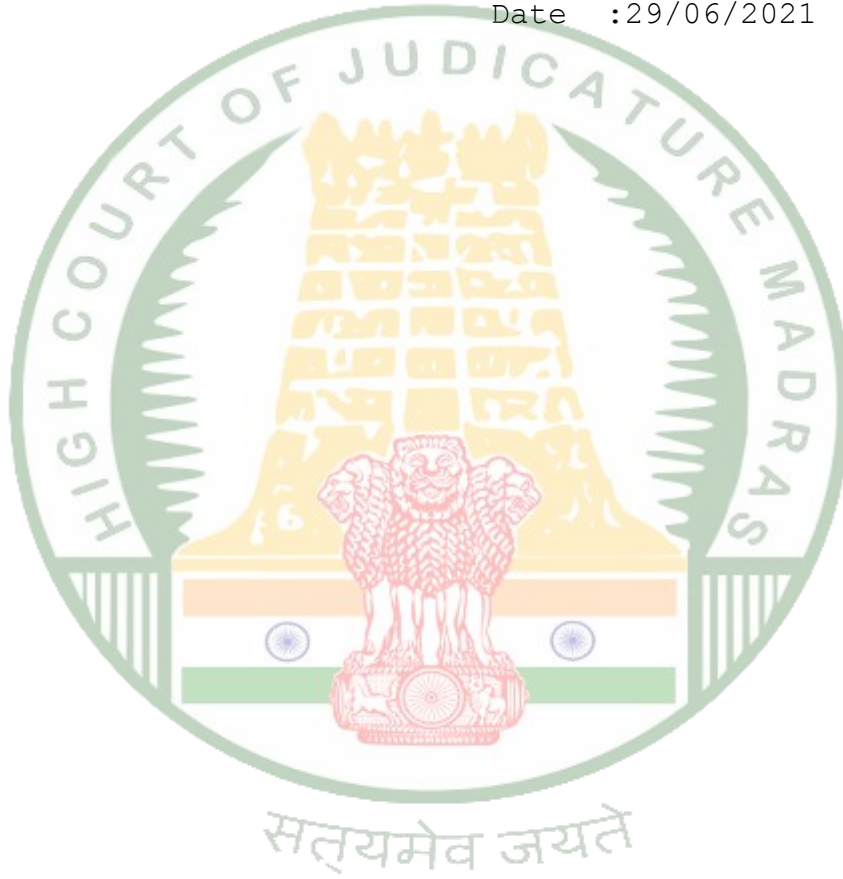
7 THE OFFICER INCHARGE,
SUB JAIL,VILLUPURAM

+2 CC to M/S.B.ABDUL SAMATH Advocate on payment of necessary
charges SR.Nos.6909 & 6910

CRL.OP.Nos.10658 & 10662 of 2021

Date :29/06/2021

RVR 30/06/2021



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