

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10937 of 2021

1.Arul @ Arulkumar
2.Vignesh

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Thirukoilur Police Station,
Crime No.700 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.700 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Kalaiazhagan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners, who were arrested on 11.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b) 323, 324 and 506(ii) and 307 IPC r/w Section 4 of TNWH Act in Cr.No.700 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 1st petitioner and the defacto complainant's brother had dispute on one previous occasion, while playing games. Due to which, the 1st petitioner teased and assaulted the defacto complainant, her parents and brother along with the other petitioners and they got injury and admitted in the hospital. Hence she lodged a complaint before the respondent Police.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 18.04.2021. He further submitted that the petitioners in turn had also lodged a complaint against the family of the defacto complainant in Cr.No.701/2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the injured persons have been discharged from the Hospital. There is no previous case against the petitioners and the investigation is almost completed.

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

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer, Sub Jail, Ulundurpettai, in which the petitioners are 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 a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimanram, (Fast Track Mahila Court) at Villupuram;

(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 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;

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

-sd/-
25/06/2021

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 SESSIONS JUDGE,
MAGALIR NEETHIMANRAM,
(FAST TRACK MAHILA COURT),
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,

4 THE OFFICER INCHARGE,
SUB JAIL, ULUNDURPETTAI.

CC to M/S.A.KALAI AZHAGAN Advocate on payment of necessary charges

CRL OP.10937/2021

सत्यमेव जयते Date :25/06/2021

TA-28/06/2021

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