



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12637 of 2021

1. Ravichandran ... Petitioners
2. Arumani @ Sudhakar
3. Ramkumar

Vs.

The State Represented by :- ... Respondent
Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
Crime No.694 of 2021

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to grant bail to the petitioners/accused in Crime No.694 of
2021 on the file of the respondent police.

For Petitioners : Mr.C.Prabakaran

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

ORDER

The petitioners who were arrested on 30.06.2021 for the offence under Section 294(b) and 307 of IPC in Crime No.694 of 2021, on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners and defacto complainant belong to same village. Due to previous enmity, a wordy quarrel arose between the petitioners and the defacto complainant's husband. For which, the petitioners abused him with filthy language, assaulted him with knife 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 appearing for the petitioners submitted that the petitioners are nothing to do with the alleged offence as stated by the prosecution and they are in judicial custody from 30.06.2021. Hence, he learned counsel prays to grant bail to the petitioners.



4.The learned Government Advocate (Crl. side) submitted that the petitioners attacked the defacto complainant's husband with iron rod and caused injuries. There is a previous case pending against the first petitioner/A1 and there is no previous case pending against the petitioners 2 & 3/A2 & A3 and the injured persons have been discharged from the hospital.

5.Considering the fact that there is one previous case pending against the first petitioner, this court is not inclined to grant bail to the first petitioner/A1. Considering the facts and circumstances of the case, the petitioners having been under incarceration in prison from 30.06.2021 and the injured persons have been discharged from the hospital, this Court is inclined to grant bail to the petitioners 2 & 3 with following conditions:

6.Accordingly, the petitioners 2& 3 are ordered to be released on bail on their 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, Rasipuram 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 petitioners 2 & 3 are directed to appear before the respondent police daily morning at 10.30 am until further orders;

(c)the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 & 3 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 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;

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



7. In the result, this Criminal Original Petition is dismissed as against the first petitioner/A1 and this Criminal Original Petition is ordered insofar as the petitioners 2 & 3 are concerned.

WEB COPY

-sd/-
22/07/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAGIRIPETTAI POLICE STATION,
NAMAKKAL DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, RASIPURAM.

CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.12637/2021

Date :22/07/2021

TA-23/07/2021