



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13609 of 2021

1. Marcus Fernando
2. John Kennady

... Petitioners

Vs.

State, Rep by
The Inspector of Police,
Nammakkal Police Station,
Namakkal District.
(Crime No.1441 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.1441 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1 side)

ORDER

The petitioners, who were arrested on 01.07.2021 and remanded to judicial custody for the offences under Sections 147, 148, 323, 324, 506(2) and 307 of IPC, in Cr.No.1441 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant, as a result of which, the petitioners along with other accused persons had assaulted the son of the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that the injured person has been discharged from the hospital and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and the injured person has been discharged from the hospital and there is no previous case pending against them, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two local sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Namakkal, 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 shall report before the respondent police, daily at 10.30 a.m., until further orders.

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

(d)the petitioners 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

-sd/-

05/08/2021

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.I
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

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

4 THE SUPERINTENDENT
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.No.8206

CRL OP.13609/2021

Date :05/08/2021

APN 06/08/2021