



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13762 of 2021

WEB COPY

1. Karthick @ Karthipan
S/o Ravindran

2. Ravi @ Ravindran
S/o Jeyaraja

... Petitioners

Vs.

The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
Crime No.523 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.523 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B. Kumarasamy

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

ORDER

The petitioner, who was arrested on 02.07.2021 and remanded to judicial custody for the offence under Sections 147, 148, 294, (b), 323, 324 506(ii) and 307 of IPC in Cr.No.523 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the accused are Srilankan refugees attached to SLR Camp, Mettupatti Post Mohanur Taluk and the friend of the defacto complainant and A-8 in this case indulged in a love affair and elopement and as a result, there arose a wordy quarrel and there was scuffle in between the supporters of both sides. Due to which the petitioner have assaulted the friend of the defacto complainant and caused injuries to him. Hence the law enforcing agency e registered a case against the petitioner.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and based on the confession of the co-accused, the petitioner was arrested and he is confined in prison from 02.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that there is no previous case pending against the petitioner. He further submits that this Court had granted anticipatory bail to the co-accused in Crl.O.P.No.13604 of 2021 dated 04.08.2021. However he vehemently opposed the grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sendamangalam, 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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 petitioner 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;



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

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-sd/-
06/08/2021

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,
SENDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.KUMARASAMY Advocate on payment of necessary
charges S.R. NO. 8233

CRL OP.13762/2021

Date :06/08/2021

JPA 09/08/2021