



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13780 of 2021

1.S.Sureshkumar
2.S.Sakthivel

... Petitioners

Vs.

State rep by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.174 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 Crime No.174 of 2021 pending investigation on the file of respondent.

For Petitioner	: Mr.J.Pradeep
For Respondent	: Mr.C.E.Pratap
	Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 15.07.2021 and remanded to judicial custody for the offences under Sections 294(b), 323, 324, 506(ii) and 307 of I.P.C in Crime No.174 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity between the parties, the petitioners brutally assaulted the victim with wooden log and caused grievous injuries to him . Hence the complaint.

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 15.07.2021. He further submits that the petitioners filed bail application before the learned Principal Sessions Judge, Dharmapuri in Crl.MP.No.1056 of 2021 and the same was dismissed on 29.07.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have involved in the



quarrel and attacked the victim and caused serious injuries to the victim. Hence he vehemently opposed for grant of bail to the petitioners

5. Considering the fact that there is no previous case pending against the petitioners and that the injured discharged from the hospital and also taking note of the period of incarceration suffered by the petitioners, 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Harur, Dharmapuri District 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/-

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,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, HARUR

4 THE PRINCIPAL SESSIONS JUDGE
DHARMAPURI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT

CC to M/S J.PRADEEP Advocate on payment of necessary charges

CRL OP.13780/2021

Date :06/08/2021

APN 09/08/2021