



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14557 of 2021

1.Moorthi
2.Purushothaman
3.Malliga

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Virinchipuram, Vellore District
Crime No.124 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 Cr.P.C. prayed to enlarge the petitioners on bail in connection with the case in Cr.No. 124 of 2021 pending investigation on the file of the respondent Police.

For Petitioners :Mr.G.Nirmal Krishnan

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

ORDER

The petitioners, who were arrested on 14.07.2021 and remanded to judicial custody for the offences under Section 294(b), 323 and 307 IPC in Cr.No.124 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant regarding the house property, whereby the petitioners abused the defacto complainant's husband by using filthy language and assaulted the defacto complainant with knife and caused injury on her forehead. Hence this complaint.

3. The learned counsel for the petitioners submitted that the petitioners did not commit offence as alleged by the de-facto complainant and they are innocent of the said commission of the offence and they have been falsely implicated in this case and therefore, prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that there are no previous case pending against the petitioners and the investigation is pending and further the injured has been discharged from the hospital.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation and further the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners 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 No.IV, Vellore, Vellore 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 are directed to appear before the respondent police daily morning at 10.30 am 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.

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.



1 THE JUDICIAL MAGISTRATE NO.IV,
VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRINCHIPURAM,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
WOMEN PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.NIRMAL KRISHNAN Advocate on payment of necessary
charges

CRL OP.14557/2021

Date :17/08/2021

APN 18/08/2021