



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14128 of 2021

1. Shanmugam,
2. Ellammal,

... Petitioners

Vs.

The State rep. by its
Inspector of Police,
Mangalam Police Station,
Mangalam, Tiruvannamalai District.
(Crime No.331 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.331 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

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

ORDER

The petitioners who were arrested on 09.07.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.331 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's family, as a result of which, the petitioners had attacked the defacto complainant and his parents 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 they have been falsely implicated in this case and the petitioners have been in jail from 09.07.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the 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 fact that the injured person has been discharged from the hospital and also considering the period of incarceration suffered by the petitioners and there is no previous case pending against 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 Court-II, Tiruvannamalai, 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/-
12/08/2021

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.



1 THE JUDICIAL MAGISTRATE COURT-II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION, MANGALAM,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, VELLORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.14128/2021

Date :12/08/2021

INBA 13/08/2021