



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.14596 of 2021

1. Mayuran ... Petitioners
2. Santhoshkumar
3. Jayabalan
4. Devarupan
5. Nesan

Vs.

The State Represent by ... Respondent
The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
Crime No.522 of 2021.

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.522 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial custody for the offence under Section 294(b), 323, 324, 147, 148, 307, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act 1984 in Cr.No.522 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to wordy quarrel, the accused persons abused the defacto complainant and his father and attacked him with knife. The petitioners have also damaged the car of the defacto complainant. Thereby, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries and the defacto complainant has also attacked the petitioners and there is a counter case. Hence, the learned counsel prays to grant bail to the petitioners.



4. The learned Government Advocate submitted that due to wordy quarrel, the petitioners and the defacto complainant and his father attacked with each other. They lodged a complaint with each other. The defacto complainant and his father has taken treatment in the hospital as out-patient.

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 treated as out patient, 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 an individual bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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, Senthamangalam 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.

-sd/-
17/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
SENTHAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (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.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.8643

CRL OP.14596/2021

Date :17/08/2021