



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14673 of 2021

1.Thachana
2.Ashokan

... Petitioners

Vs.

The State rep. By
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
(Crime No.672 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of Crime No.672 of 2021 on the file of Chetpet Police Station, Thiruvannamalai District, pending investigation.

For Petitioners : Mr.S.B.Viswanathan

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

For Intervenor : Mr.Amar D.Randiya

ORDER

The petitioners who were arrested on 27.07.2021 for the offence under Sections 294(b), 324, 307 and 506(2) of I.P.C. in Crime No.672 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have attacked the defacto complainant. The petitioners are arrayed as A1 and A4 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.



4.The learned counsel appearing for the intervenor would submit that due to the act of the accused, there are frequent quarrel in the village and hence, this Court may impose some stringent conditions, in the event of grant of bail to the petitioners.

5.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital. He further submitted that there are three previous cases as against A1 and there is one previous case as against A4.

6.Considering the fact that there are three previous cases as against A1, I am not inclined to grant bail to A1/ first petitioner. Since the injured has been discharged from the hospital, I am inclined to grant bail to A4/ second petitioner with stringent conditions.

7.Accordingly, this criminal original petition is dismissed as against the first petitioner. The second 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate's Court, Polur 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 second petitioner shall stay at Madurai and shall report before the Othakadai Police Station daily at 10.30 a.m. until further orders;

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

-sd/-

18/08/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT
VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.8780

CRL OP.14673/2021

Date :18/08/2021

CSK 19/08/2021