



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15067 of 2021

WEB COPY

1. Elumalai
2. M.Suresh
3. G.Ravi

... Petitioners

Vs.

The Inspector of Police,
Thirunindravur Police Station,
Thiruvallur District.
(Crime No.922 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.922 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Aswin

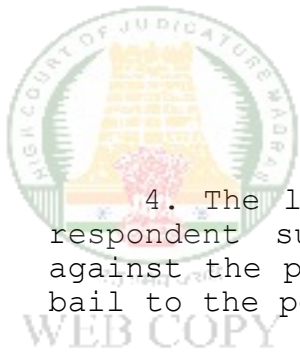
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 08.08.2021 and remanded to judicial custody for the offences under Sections 294(b), 435 of IPC and 4 of TNPPDL Act, in Crime No.922 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused persons had abused the defacto complainant in filthy language and damaged the shop of the defacto complainant. 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 08.08.2021. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, the petitioners are ready to deposit the amount of Rs.10,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,000/- shall be returned to them. Hence, he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the fact that 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-II, Thiruvallur, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cr.No.922 of 2021 before the learned Judicial Magistrate-II, Thiruvallur, within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate-II, Thiruvallur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,000/- deposited by the petitioners to the credit of Cr.No.922 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
24/08/2021

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 NO.II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, THIRUVALLUR.

4 THE INSPECTOR OF POLICE,
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15067/2021

Date :24/08/2021

MK:25/08/2021