



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15642 of 2021

1. Durairaj,
2. Mohan
3. J.Raghu,

... Petitioners

Vs.

State rep by
The Inspector of Police,
H-8 Thiruvottiyur Police Station,
Chennai - 600 109
(Crime No.2031 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.2031 of 2021 pending investigation on the file of respondent.

For Petitioner : Mr.R. Dinesh Kumar

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

ORDER

The petitioners who were arrested on 23.06.2021 and remanded to judicial custody for the offences under Sections 294(b), 323 and 324 of IPC subsequently altered into 341, 294(b), 323, 324 and 302 of IPC, in Crime No.2031 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel regarding land dispute between the petitioners and the defacto complainant, the petitioner assaulted the defacto complainant by stones and wooden log and caused injuries to the defacto complainant. Hence the law enforcing agency registered a case against the petitioners.

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 17.06.2021. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured discharged from the hospital. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the fact that the injured discharged from the hospital and also considering the period of incarceration suffered by 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, Thiruvottiyur, 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/-

01/09/2021

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

5 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI-600 109.

+1 CC to M/S.R.DINESH KUMAR Advocate on payment of necessary
charges SR.NO.9342

CRL OP.15642/2021

Date :01/09/2021

RW 02/09/2021