



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.16336 of 2021

1. Mr.B.Vigneshwaran ...petitioners
2. Mr.Kumareshwaran

Vs.

State of Tamil Nadu ... Respondent
Rep by the Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu, Chennai-600 077
Cr.No.1261 of 2021.

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in in Cr.No.1261 of 2021 on the file of the respondent police.

For petitioners : Mr.D. Thanigaivasan

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

ORDER

The petitioners who was arrested on 19.08.2021 and remanded to judicial custody for the offences under Section 364,307 and 324 of I.P.C in Crime No.1261 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioners have abducted the defacto complainant and assaulted him and caused serious injuries to him. Hence the law enforcing agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in the case and he is judicial custody from 19.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Cr1.Side) submitted that the injured discharged from the hospital and there was no previous case pending against the petitioners and investigation is pending. However he opposed for grant of bail to the petitioners.



5. Considering the facts of the case and 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 following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on they executing a 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 No.II at Poonamallee** 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 as and when required for interrogation.

(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 second and third 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/-
08/09/2021

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,
NO. II, POONAMALLEE.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
THIRUVERKADU,
CHENNAI-600 077.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. D.THANIGAIVASAN Advocate on payment of necessary
charges SR.NO.9761

CRL OP.16336/2021

Date :08/09/2021

TA-09/09/2021