



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16375 of 2021

1. Satham Hussain @ Sarfudeen ... Petitioners
2. Kamrudeen
3. Nasar
4. Aslaam
5. Eliyas @ Mohammed

Vs.

State by ... Respondent
The Inspector of Police,
Sathanur Dam Police Station,
Thiruvannamalai District.
(Crime No.259 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.259 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Silambarasan

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 04.08.2021 for the offences under Sections 147, 148, 294 (b), 341, 323, 324, 448, 307, 506 (ii) of IPC r/w Section 4 of TNPWH Act and Section 3 of TNPPDL Act in Crime No.259 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 28.07.2021 there was a dispute regarding appointment of Muthavalik and when the defacto complainant went to get vessels for the marriage of her daughter, there was wordy quarrel between them and both sides attacked each other. Hence the law enforcing agency registered a case against the petitioners.

2. The learned counsel for the petitioners submits that the petitioners are not involved in the offence and they have been falsely implicated. He further submits that they are in jail from 29.07.2021. Hence he prays for grant of bail to the petitioners.



W.B. 2021

4. The learned Government Advocate (Crl.Side) submits that there was a dispute regarding appointment of Muthavalik and when the defacto complainant went to get vessels for the marriage of her daughter, there was wordy quarrel between them and both sides attacked each other. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case 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 bonds 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, Thandrapattu 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/-

13/09/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
THANDRAMPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHANUR DAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. S.SILAMBUSELVAN Advocate on payment of necessary
charges SR.NO.9945

CRL OP.16375/2021

Date :13/09/2021

TA-14/09/2021