



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17765 of 2021

1. Dilli @ Thiru Vikram ... Petitioners
2. Prabakaran
3. Rajesh

Vs.

State rep by its ... Respondent
The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
(Crime No.254 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.254 of 2021 pending investigation on the file of respondent.

For Petitioner : Mr.M.P. Saravanan

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

ORDER

The petitioners who were arrested on 13.09.2021 and remanded to judicial custody for the offences under Sections 147,148,294(b), 324,307,427 and 448 of I.P.C in Crime No.254 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners trespassed into the chicken farm belonging to the defacto complainant and asked chicken and the defacto complainant refused to provide the same, due to which the petitioners brutally assaulted the victim with wooden log and caused grievous injuries to him . 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 13.09.2021. He further submits that the petitioners filed bail application before the learned Principal Sessions Judge, Krishnagiri in Crl.MP.No.1695 of 2021 and the same was dismissed on 16.09.2021. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have involved in the quarrel and attacked the victim and caused serious injuries to the victim. Subsequently after treatment injured discharged from the hospital. Hence he vehemently opposed for grant of bail to the petitioners

5. Considering the fact that there is no previous case pending against the petitioners and that the injured discharged from the hospital and also taking note of 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-II, Hosur** 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/-

24/09/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDDANAPPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.17765/2021

Date :24/09/2021

TA-27/09/2021