



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18527 of 2021

1. Anand @ Anandakumar
2. Babu
3. Nagaboosha Reddy
4. Govindaraj
5. Shankar

... Petitioners

Vs.

State by:-

The Inspector of Police,
Thali Police Station,
Krishnagiri Disttrect
(Crime No.229 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners pending investigation in Crime No.229 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Pandiyaraj

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

ORDER

The petitioners were arrested on 03.08.2021 and remanded to judicial custody for the offences under Sections 147,148,294(b), 323,324, 307 and 506(ii) of I.P.C in Crime No.229 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a love affair between the de-facto complainant's daughter and A1, Santhosh and the same was questioned by the defacto complainant and his son. As a result of which, the petitioners and 6 other accused went to the defacto complainant's house and brutally attacked the defacto complainant and his son and thereby, caused grievous injuries to them. Hence the law enforcing agency registered a case against the petitioner and other accused persons.



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. He further submits that there is no specific overt act against these petitioners. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there was 3 previous cases pending against A3/Babu/second petitioner. With regard to the 4th petitioner/Govindaraj/A5 there was 3 previous case pending against him. He further submits there is no previous cases pending against the first, third and fifth petitioner who are A2,A4 and A6 respectively. Hence he vehemently opposed for grant of bail to the petitioners.

5. Considering the previous cases pending against the A3/Babu/second petitioner and 4th petitioner/Govindaraj/A5, this Court is not inclined to grant bail to them, accordingly this petition is dismissed with regard to the A3/Babu/second petitioner and 4th petitioner/Govindaraj/A5. As there is no previous cases pending against first, third and fifth petitioners who are A2,A4 and A6 respectively and also considering the period of incarceration suffered by the first, third and fifth petitioners/ A2,A4 and A6 this Court is inclined to grant bail to them with certain conditions:

6. Accordingly, the first, third and fifth petitioners/ A2,A4 and A6 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, Thenkanikottai 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 first, third and fifth petitioners/ A2,A4 and A6 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the first, third and fifth petitioners/ A2,A4 and A6 shall not tamper with evidence or witness either during investigation or trial;

(d) the first, third and fifth petitioners/ A2,A4 and A6 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 fourth petitioners/ A6 and A8 in accordance with law as if the conditions have been imposed and the first, third and fifth petitioners/ A2, A4 and A6 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/-
04/10/2021

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,
THENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 INSPECTOR OF POLICE
THALI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.18527/2021

Date : 04/10/2021

JPA 05/10/2021