



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18433 of 2021

1. Karthikeyan
2. Prakash

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
(Crime No.579 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.579 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Rajesh Vivekananthan

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

ORDER

The petitioners. who were arrested and remanded to judicial custody on 23.08.2021 for the offences punishable under Sections 294 (b), 324, 307 and 506(ii) of IPC, in Crime No.579 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner had borrowed money from the defacto complainant and the same was not repaid. Thereafter, the defacto complainant had taken away Innova car belonging to the first petitioner. On 11.08.2021, there was quarrel between them, the petitioners had attacked the defacto complainant and caused injuries and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are not involved in the offence and they have been falsely implicated. He further submitted that the petitioners have been in jail from 23.08.2021. He further submitted that the defacto complainant had taken away Innova car without of knowledge of the first petitioner. Hence he prays for grant of bail to the



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and the investigation is still pending. He further submitted that there is no previous case pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending against the petitioners 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 No.1, Namakkal District, 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/-

05/10/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE NO.I,
NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAJESH VIVEKANANTHAN Advocate on payment of
necessary charges

CRL OP.18433/2021

Date :05/10/2021

CSK 06/10/2021