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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19080 of 2021

1. Subramani
2. Anbazhagan
3. Jayanthi

...Petitioners

Vs.

The State Represented by,  
The Inspector of Police,  
Vanapuram Police Station,  
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in Crime No.417 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

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

#### ORDER

The petitioners. who were arrested and remanded to judicial custody on 27.08.2021 for the offences punishable under Sections 307 IPC r/w Section 25(1B)(a), 27(1) of Arms Act 1959, in Crime No.417 of 2021, on the file of the respondent police, seek bail.

2. This is the second bail application filed before this Court. The case of the prosecution is that there was land dispute between the petitioners and the defacto complainant, as a result of which, the petitioners had shoot the defacto complainant with rifle and caused injuries. 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 27.08.2021. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first petitioner was detained under Goondas Act and there are three previous case pending against the second petitioner and there are four previous cases pending against the third petitioner. He further submitted that earlier bail application was dismissed by this Court in Crl.O.P.No.16352 of 2021 dated 15.09.2021 on the ground that there are previous cases pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the previous cases are all petty offences and the first petitioner was detained under Goondas Act. Therefore, this Court is not inclined to grant bail to the first petitioner. Hence, this Criminal Original Petition is dismissed as against the first petitioner and also considering the period of incarceration suffered by the petitioners 2 and 3, this Court is inclined to grant bail to the petitioners 2 and 3 with certain conditions.

6. Accordingly, the petitioners 2 and 3 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, Tiruvannamalai, 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 2 and 3 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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.

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-sd/-  
08/10/2021

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 NO.I,  
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
TIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,  
VANAPURAM POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON FOR WOMEN, VELLORE.

6 THE OFFICER INCHARGE,  
SUB JAIL, POLUR.

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.19080/2021

Date :08/10/2021

INBA-11/10/2021