



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19325 of 2021

1. Vajiravel
2. Silambarasan
3. Manogaran

... Petitioners

Vs.

The State by its
Inspector of Police,
Solingur Police Station,
Sholingur,
Ranipet District.
(Crime No.334 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.334 of 2021 on the file of the respondent police.

For Petitioners: Mr.K.G.Senthilkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 24.09.2021 for the offences under Sections 341, 294(b), 323, 324, 307 and 506(ii) of I.P.C., in Crime No.334 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.09.2021 at about 07.30 p.m., there was a wordy quarrel between the petitioners and defacto complainant, as a result of which, the 1st petitioner said to have assaulted the defacto complainant's brother with his hands, 2nd petitioner said to have assaulted him over his head with knife and 3rd petitioner said to have assaulted him with a stick all over the body and threatened with dire consequences. 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. He would also submit that the petitioners are in jail from 23.09.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently objects to consider the bail petition stating that the petitioners are neighbours to the defacto complainant. The petitioners had caused injuries on the victim using knife. The 3rd petitioner assaulted the defacto complainant with wooden log. He would also submit that the investigation is still at the initial stage.

5. Considering the vehement objections of learned Government Advocate (Criminal side) that the injured had been discharged from the hospital and undergoing treatment in the private hospital as out-patient and considering period of incarceration suffered by the petitioners and there is no previous case pending against 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, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sholingur, Ranipet District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate, Sholingur, Ranipet District may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending investigation and shall stay at Trichy and report before the Inspector of Police, Rockfort Police Station, daily at 10.00 a.m. till the completion of investigation and the petitioners shall not enter into the jurisdiction of the respondent police.

(c) the petitioners shall not influence, threaten or coerce the 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/-

12/10/2021

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,
SHOLINGUR, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, WALAJAPET, RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SHOLINGUR POLICE STATION,
SHOLINGUR, RANIPET DISTRICT.

+1 CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.11395

CRL OP.19325/2021

Date :12/10/2021

RW 13/10/2021