



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19344 of 2021

1. Mahalingam ... Petitioners
2. Rajkumar @ Sakkarai
3. Vignesh @ Appu
4. Hariharan

Vs.

The State Rep by ... Respondent
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.1719 of 2021)

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.1719 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.T.Saravanan

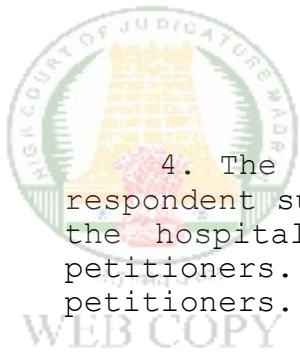
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.09.2021 for the offences under Sections 294(b), 452, 352, 324 & 307 of IPC, in Crime No.1719 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and there was some dispute between them, due to throwing of garbage in the public place, as a result of which, the petitioners had abused the defacto complainant and attacked them and caused injuries. 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 further submitted that the injured person has been discharged from the hospital. He also further submitted that the petitioners have been in jail from 15.09.2021. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and there is no previous case 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 injured person has been discharged from the hospital and also considering the 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mayiladuthurai, 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 No.I, Mayiladuthurai 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 Madurai and report before the Inspector of Police, Thideer Nagar Police Station, daily at 10.00 a.m., until further orders 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.

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-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 NO.I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

6 THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.NO.11383

CRL OP.19344/2021

Date :12/10/2021

TA-13/10/2021