



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19873 of 2021

1. Jai Babu ...Petitioners
2. Pratheep @ Appu
3. Veeramani @ Mani
4. Vimal Raj @ Mani

Vs.

The State Represented by, ... Respondent
The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.
(Crime No.1772 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.1772 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Velmurugan

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

ORDER

The petitioners. who were arrested and remanded to judicial custody on 09.09.2021 for the offences punishable under Sections 341, 324, 506(ii) IPC @ 147, 148, 341, 324, 307, 506(ii) IPC r/w 120(B) IPC, in Crime No.1772 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had attacked the defacto complainant with knife 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 09.09.2021. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and the investigation is still pending. He further submitted that there is one previous case pending against the third petitioner for the offence under Section 307 of IPC. 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 there is one previous case pending against the third petitioner. Therefore, this Court is not inclined to grant bail to the third petitioner. Hence, this Criminal Original Petitioner is dismissed as against the third petitioner. Considering the period of incarceration suffered by the petitioners 1,2 and 4 and there is no previous case pending against them, this Court is inclined to grant bail to the petitioners 1, 2 and 4 with certain conditions.

6. Accordingly, the petitioners 1, 2 and 4 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.II, Ponneri, 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 1, 2 and 4 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners 1, 2 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1, 2 and 4 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 1, 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 and 4 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/-

26/10/2021

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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-4, REDHILLS POLICE STATION,
CHENNAI - 600 052.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, PONNERI

+2 CC to M/S. M.VELMURUGAN Advocate on payment of necessary charges SR.No.11757

CRL OP.19873/2021

Date :26/10/2021

APN 27/10/2021