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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20521 of 2021

1.S.Vinnarasu Velan
2.S.Jeyapal

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
Crime No.730 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.730 of 2021 on the file of Kalasapakkam Police Station, Thiruvannamalai District.

For petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 03.10.2021 for the offence under Sections 294(b), 324, 307 and 506 (2) of IPC, in Crime No.730 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity, on 03.10.2021 at about 10.45 a.m., the petitioners scolded the son of the defacto complainant in filthy language and also assaulted him with deadly weapons and caused grievous injuries. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that there is no previous case against the petitioner and that they have been suffering incarceration for more than 50 days from 03.10.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate raised objection but admits that the injured has been discharged from the hospital and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioners and that the investigation is almost completed and the injured has been discharged from the hospital and also considering the period of incarceration undergone 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 separate bonds 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, Kalasapakkam, Thiruvannamalai District, and on further conditions 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 on every Saturday 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 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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22/11/2021

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,
KALASAPAKKAM, THIRUVANNAMALAI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.13145

CRL OP.20521/2021

Date :22/11/2021

RW 23/11/2021