



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23357 of 2021

1.Mani @ Manikandan
2.Thirusangu

... Petitioners

Vs.

State by
The Inspector of Police,
Vanapuram Police Station
Thiruvannamalai District.
Crime No:494 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No. 494 of 2021 on the file of the Inspector of Police, Vanapuram Police Station Thiruvannamalai District.

For Petitioners : Mr.S.Silambuselvan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

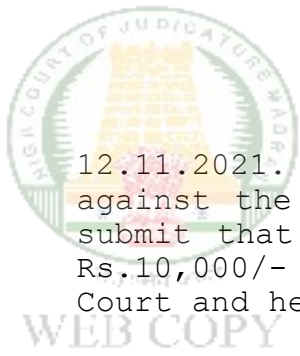
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 12.11.2021 for the offences under **Sections 147, 148, 294 (b), 341, 324, 307 and 506(ii) of IPC**, in Crime No.494 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 04.11.2021, during the day of Diwali, there was a wordy quarrel arose between the petitioners and the de facto complainant during which, the petitioners abused and assaulted the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and that they have been suffering incarceration for more than 20 days from



12.11.2021. He would further submit that there is case and counter against the de facto complainant. However, on instructions, he would submit that the petitioners are ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners are arrayed as A1 and A2 and the other accused are still absconding but admits that there is case and counter and the injured has been discharged from the hospital and that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the **Registered Advocate Clerks Association, Thiruvannamalai District**, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and that the fact that there is a case in counter and the injured has been discharged from the hospital and also considering the period of incarceration undergone by the petitioners and that the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. 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, Thandrampattu**, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the **Registered Advocate Clerks Association, Thiruvannamalai District**, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b) 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;



(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/12/2021

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,
THANDRAMPATTU, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
THIRUVANNAMALI DISTRICT.

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

CRL OP.23357/2021

Date :06/12/2021

TA-07/12/2021