



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

WEB COPY

CORAM:

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

CrI.O.P.No.23994 of 2021

1. Tamilarasan .. Petitioners
2. Moorthy
3. Senthil Kumar

Vs.

The State Rep.by ...Respondent
The Inspector of Police,
Thiruverkadu Police Station,
Ambattur District.
(CrimeNo.1459 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.1459 of 2021 on the file of the respondent.

For Petitioners : Mr.D.Rajakumar

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 21.11.2021 for the offences under Sections 294(b), 324, 307, 506(ii) of IPC in Crime No.1459 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are three accused involved in this case and that the defacto complainant's son was a drunkard. On 20.11.2021, when the defacto complainant's son went to wine shop and had drink but left the mobile phone there and after returning to his house, he came to know that his mobile was lost, he went along with his brother to the said wine shop on 21.11.2021 and asked his cell phone, there arose a wordy quarrel and consequently, the petitioners have assaulted the defacto complainant's elder son with beer bottles and caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He



further submits that the petitioners have been suffering incarceration for more than 19 days from 30.10.2021. Hence he prays to grant bail to the petitioners.

4. The learned Government Advocate submits that there is one previous case as against the first petitioner and there is no previous cases as against the other petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of case and also considering the period of incarceration suffered 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 a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Poonamalle, 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 shall stay at Dharmapuri and report before the B-1 Town Police Station, Dharmapuri, on every Tuesday and Sunday 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 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/-

09/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVERKADU POLICE STATION,
AMBATTUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
B-1 TOWN POLICE STATION,
DHARMAPURI.

+1CC to M/S.D.RAJAKUMAR Advocate on payment of necessary
charges SR.NO.14364

CRL OP.23994/2021

Date :09/12/2021

CSK 09/12/2021