



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.24462 of 2021

1. Naresh Babu ...Petitioners
2. Surya Prakash
3. Jeya Prakash

Vs.

The State, rep by its ...Respondent
Inspector of Police
C-4, Somangalam Police Station
Kanchipuram
(Crime No.583 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.583 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Ravikumar

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 21.11.2021 for the offences under **Sections 294(b), 307, 323, 324, 341, 392, 506(2) of IPC**, in Crime No.583 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 20.11.2021 at about 11.00 hours, the petitioners assaulted the defacto complainant with wooden log and hands and attempted to inflict cut injury on his head and snatched a sum of Rs.1,100/- from his pocket and also threatened him with dire consequences. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they has been falsely implicated in this case and that they have been suffering incarceration for 25 days from



21.11.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised strong objection stating that the 1st petitioner has got 15 previous cases and the 2nd petitioner has got one previous case but admits that there is no previous case against the 3rd petitioner and that the investigation is almost completed.

5. On seeing the nature of allegation and the antecedents of the 1st petitioner, this Court is not inclined to grant bail to the 1st petitioner. **Accordingly, the petition is dismissed insofar as the 1st petitioner is concerned.**

6. Considering the fact that the 2nd petitioner has got only one previous case and there is no previous case against the 3rd petitioner and that the investigation is almost completed and also considering the period of incarceration undergone by them, **this Court is inclined to grant bail to the 2nd and 3rd petitioners with certain conditions.**

7. Accordingly, the **2nd and 3rd 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, Sriperumbudur**, 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 2nd and 3rd petitioners shall stay at Pudukottai and report before the Town Police Station daily at 10.30 a.m. for a period of 6 weeks and thereafter, report before the respondent police as and when required for interrogation.

(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/-
17/12/2021

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,
SRIPERUMBUDUR, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-4, SOMANGALAM POLICE STATION,
KANCHIPURAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

6 THE OFFICER INCHARGE
TOWN POLICE STATION,
PUDUKOTTAI.

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

CRL OP.24462/2021

Date :17/12/2021

TA-20/12/2021