



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

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CORAM:

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

CrI.O.P.No.25255 of 2021

1.Vigneshwaran
2.Mayandirajan
3.Ayyanar
4.Ajithkumar

.. Petitioners

Vs.

State Represented by
The Inspector of Police
Avinashipalayam Police Station
Thiruppur District
(Crime No.775 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.755 of 2021 on the file of the Respondent Police Station.

For Petitioners : Mr.Senthilkumar

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 29.11.2021 for the offences under Sections 294(b) and 307 of IPC in Crime No.775 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the Defacto complainant namely Rambabu Mahara Samar is a Napalem and he has been working in Karucatters Private Ltd Company in Tirupur from the year 2010. On 27.11.2021 at about 7.00 P.M. the petitioners had spoken bad words between them in a drunken state and the same was questioned by the Defacto Complainant due to which, the petitioners has assaulted the Defacto complainant. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that petitioners have been suffering incarceration for more than 24 days from 29.11.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners attacked the defacto complainant with iron rod and stabbed with knife in his Thigh and there are two previous cases against the petitioners but admits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and the fact that 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 directed to jointly deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.775 of 2021 and on such deposit, 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, Palladam, Tiruppur 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 Sunday at 10.30 a.m. until further orders.

(c) the defacto complainant is permitted to withdraw the deposit amount of Rs.20,000/- (Rupees Twenty Thousand Only) on proper identification and acknowledgment.

(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.

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-sd/-
22/12/2021

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,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. SENTHILKUMAR Advocate on payment of necessary charges SR.NO.15318

CRL OP.25255/2021

Date :22/12/2021

CSK 23/12/2021