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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25349 of 2021

1. Aravindh
2. Gowtham
3. Vijay

.. Petitioners

Vs.

State rep by
The Inspector of Police
Town East Police Station
Pollachi
Crime No.651 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.651 of 2021 on the file of the respondent police.

For Petitioners : M/s.M.Mohamed Riyaz

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 147, 294(b), 323 & 307 of IPC, in Crime No.651 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant had one side love affair with a girl and he came to know that one Sabariswaran also had affair with the said girl. Hence, the defacto complainant questioned the same with the said Sabariswaran during which, the petitioners being the friends of the said Sabariswaran, in support of their friend, assaulted the defacto complainant. Hence, the complaint.



3. The learned Counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that there is a case in counter in Crime No.652 of 2021 against the defacto complainant. He would further submit that petitioners have been suffering incarceration for 10 days from 13.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection but admits that the injured has been discharged from the hospital and there is a case in counter and that the investigation is almost completed.

5. Considering the facts that the injured has been discharged from the hospital and there is a case in counter and that the investigation is almost completed 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) jointly to the credit of Crime No.651 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-I, Pollachi, 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 Tuesday and Saturday at 10.30 a.m. until further orders.

(c) The defacto complainant is permitted to withdraw the said amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgment.

(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.

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-sd/-
23/12/2021

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-I,
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary
charges SR.NO.15559

CRL OP.25349/2021

Date :23/12/2021

CSK 23/12/2021