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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.25534 of 2021

1. Jayaganthan @ Jayaganthi
2. Karthi

.. Petitioners

Vs.

State rep by
The Inspector of Police
Perambur Police Station
Mayiladuthurai District
Crime No.1104 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.1104 of 2021 on the file of the respondent police.

For Petitioners : M/s.C.T.Saravanan

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

O R D E R

The petitioners who were arrested and remanded to judicial custody on 08.11.2021 for the offences under Sections 294(b), 324 & 307 of IPC, in Crime No.1104 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners had a wordy quarrel with the defacto complainant along with the other accused during which, attacked the defacto complainant with Aruval and wooden log and taken away his cell phone. 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 against the petitioners. He would further submit that petitioners have been suffering incarceration for 45 days from 08.11.2021. 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 the investigation is almost completed.

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5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) jointly, to the credit of Crime No.1104 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 District Munsif-cum-Judicial Magistrate, Tharangambadi 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 daily at 10.30 a.m. until further orders.

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

(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/-

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
MAYILADUTHURAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.NO.15434

CRL OP.25534/2021

Date :23/12/2021

RW 23/12/2021