



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.574 of 2022

1. Victor Juliyanraj
2. David @ Davidraj

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi District
(Crime No. 437 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 437 of 2021 pending investigation on the file of the Respondent Police.

For Petitioners : Mr.S.Saravana Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 15.12.2021 for the offences under Sections 147, 148, 294 (b), 323, 324, 506 (ii) and 307 of IPC, in Crime No. 437 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, on 12.12.2021, the petitioners along with other accused abused and 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 they have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 40 days from 15.12.2021. He would further submit that except these petitioners, others have been enlarged on anticipatory bail and hence, he would pray for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that due to the attack made by the accused persons, the victim suffered 4 sutures but admits that the injured has been discharged from the hospital and co-accused have been enlarged on anticipatory bail.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and co-accused have been enlarged on anticipatory bail and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Ulundurpet, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Monday and Friday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/01/2022

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 NO.I,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, ULUNDURPET.

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

CRL OP.574/2022

Date :25/01/2022

INBA~27/01/2022