



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.1756 and 1758 of 2022

M.Prakash
C.Sathish

... Petitioner in Crl.O.P.No.1756 of 2022

... Petitioner in Crl.O.P.No.1758 of 2022

Vs.

The State rep. by
Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai-600 101.
(Crime No.685 of 2021)

...Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in connection with the Crime No.685 of 2021 on the file of the respondent police.

In both Crl.O.Ps.

For Petitioners : Mr.S.Kingston Jerold

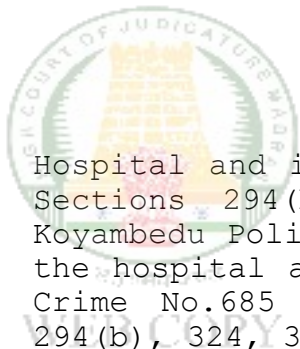
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

COMMON ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 14.11.2021 for the offence under Sections 294(b), 324, 302 and 506(ii) of IPC, in Crime No.685 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the de facto complainant and his friends are studying BCA, 3rd year in the MGR University. On the date of occurrence, the petitioners and other accused entered into a wordy quarrel with the defacto complainant and his friends during which, they assaulted the de facto complainant and his friends using iron rod and stones due to which, they sustained injuries and one Magesh who is the friend of the defacto complainant sustained severe injuries. Subsequently the said Magesh was admitted in the KMC



Hospital and initially the case was registered for the offences under Sections 294(b), 324, 506(ii) of IPC in Cr.No. 562/2021 by the Koyambedu Police. Subsequently, on 13.11.2021, the said Magesh died in the hospital and the case was transferred to the respondent police in Crime No.685 of 2021 and the offences were altered into Sections 294(b), 324, 302 and 506(ii) of IPC.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would further submit that the co-accused has been granted bail by this Court and the charge sheet has been filed and the same has been taken on file and that the petitioners have been suffering incarceration for more than 70 days from 14.11.2021 and hence, he would pray for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor raised strong objection stating that there are totally 13 accused involved in this case and all accused were arrested and subsequently, A2, A3 and A9 who are Juveniles were released on bail. He would further submit that out of wordy quarrel between the young boys, the alleged occurrence had happened but admits that the co-accused has been granted bail by this Court and the charge sheet has been filed and the same has been taken on file.

5.Considering the facts and circumstances of the case and that the co-accused has been granted bail by this Court and the charge sheet has been filed and the same has been taken on file 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 V Metropolitan Magistrate, Chennai, 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 Saturday at 10.30 a.m. until further orders except on Court hearings and they shall appear before the Court on all hearings without fail failing which, the bail granted to the petitioners shall stand cancelled automatically.

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

(f) the petitioners shall not abscond during trial;

(g) the petitioners shall not tamper with evidence or witness during 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.

-sd/-

27/01/2022

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 V METROPOLITAN MAGISTRATE,
CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
V-5, POLICE STATION,
THIRUMANGALAM, CHENNAI-600 101.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. S.KINGSTON JEROLD Advocate on payment of necessary
charges SR.NO.1319

+1 CC to M/S. S.KINGSTON JEROLD Advocate on payment of necessary
charges SR.NO.1320

CRL OPS.1756 & 1758/2022

Date :27/01/2022

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