



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.761 of 2022

1.Mithulan
2.Sathish

... Petitioners

Vs.

State rep by
The Inspector of Police,
Thandrapettu Police Station,
Tiruvannamalai District.
Crime No. 625 of 2021.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.625 of 2021, on the file of the Inspector of Police, Thandrapettu Police Station, Tiruvannamalai District.

For petitioners : M/s.C.Prabakaran

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 22.12.2021 for the offences under Sections 294(b), 323, 379 and 307 of I.P.C, in Crime No.625 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 18.12.2021, the petitioners along with other accused, attacked the defacto complainant with knife and taken cash of Rs.8,000/-, a gold ring weighting 1/2 sovereign and a watch from the de facto complainant. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for more than 25 days from 22.12.2021. Hence, he would pray for grant of bail to the petitioners.



4. The Learned Government Advocate (Crl. Side) vehemently opposed stating that the petitioners/A1 and A2 along with other accused attacked the defacto complainant with knife due to which, the defacto complainant sustained injuries in the neck and stomach and the 2nd petitioner/A2 has got 5 previous cases against him but admits that there is no previous case against the 1st petitioner/A1 and the injured has been discharged from the hospital and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and 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.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond 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) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.625 of 2021 and on such deposit, 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, Thandarampattu, Tiruvannamalai District, 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 Tuesday at 10.30 a.m. until further orders.

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

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

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

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



(i) 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];

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

-sd/-

19/01/2022

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,
THANDAMPATTU, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THANDRAMPETTU POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, SENGAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.No.710

CRL OP.761/2022

Date :19/01/2022

CSK 19/01/2022