



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.982 of 2022

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1. Parasuraman
2. Settu

... Petitioners

Vs.

The State Rep. by its
Sub Inspector of Police,
Kadaladi- Police Station,
Tiruvannamalai District.
(Crime No.713/2021)

... 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.713 / 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.E.Sathiyaraj

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

For Intervenor : Mr.B.Jawahar

ORDER

The petitioners who were arrested and remanded to judicial custody on 27.12.2021 for the offences under Sections 147, 148, 294 (b), 323, 324 and 307 IPC @ 294(b), 323, 324, and 307 IPC in Crime No.713 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a property dispute between the petitioners family and the defacto complainant. While so, on 26.12.2021 at about 11.35 a.m., the petitioners along with another accused, abused and attacked the defacto complainant with Aruval. 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. He would further submit that the defacto complainant is an Advocate. Earlier, the petitioners were litigants against the defacto complainant and hence a false complaint has been foisted against the petitioners. Further, there is a case in counter against the defacto complainant in Crime No.714 of 2021 and that the petitioners have been suffering incarceration for more than 15 days from 27.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Counsel for the Intervenor would submit that the petitioners along with other accused with intention to kill the defacto complainant, attacked him with Aruval due to which, he sustained severe injuries. Hence, he vehemently opposed for grant of bail to the petitioners.

5. The learned Government Advocate (Crl. Side) raised objection stating that the defacto complainant sustained severe head injury and A3 is still absconding and there is one previous case against the petitioners/A1 and A2 but admits that the injured has been discharged from the hospital and there is a case in counter.

6. Considering the fact 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.

(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 petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai 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;



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(d) the petitioners shall stay at Cuddalore and report before the Town Police Station daily at 5 p.m. for a period of four weeks and thereafter, report before the respondent police as and when required for interrogation.

(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.

-sd/-
12/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUB- INSPECTOR OF POLICE,
KADALADI- POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
/THE STATION HOUSE OFFICER,
TOWN POLICE STATION, CUDDALORE.

+1 CC to SATHIYARAJ E. Advocate on payment of necessary charges
SR.NO.620

CRL OP.982/2022

Date :12/01/2022

JPA 19/01/2022