



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.1225 of 2022

1. Mohanraj
S/o.Raji

2. Mohanraj
S/o.Mani

...Petitioners

Vs.

State Rep by
The Sub-Inspector of Police
M-8, Sathangadu Police Station
Madhavaram
(Crime No.793 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.793 of 2021 on the file of the respondent police.

For Petitioners: Mr.R.Vivekananthan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 22.12.2021 for the offences under Sections 147, 148, 152, 294(b), 324, 353, 307, 506(ii) of IPC read with 3 of TNPPDL Act, 1992, in Crime No.793 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is a Grade II Police Constable. On 22.12.2021, a young man committed suicide at Raja Sanmugam Nagar, Sathangadu. Hence, the defacto complainant along with his police party went to the spot in order to send the body of the deceased to hospital during which, the petitioner along with others restrained them from taking the body of



the deceased in Ambulance and also assaulted the defacto complainant and damaged the Ambulance bearing Regn.No.TN 11 9316. 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 false implicated in this case. He would further submit that the co-accused has been released on bail and that the petitioners have been suffering incarceration for more than 30 days from 22.12.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would raise strong objection stating that the petitioners are arrayed as A3 and A4 and that the petitioners along with other villagers assaulted the police official and damaged an Ambulance but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and co-accused has been granted 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, Thiruvettriur, 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 Wednesday 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.

-sd/-

21/01/2022

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,
THIRUVETRIYUR, THIRUVALLUR DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE SUB INSPECTOR OF POLICE,
M-8, SATHANGADU POLICE STATION,
MADHAVARAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.VIVEKANANTHAN Advocate on payment of necessary charges

CRL OP.1225/2022

Date :21/01/2022

RW 24/01/2022