



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

CrI.O.P.No.1688 of 2022

WEB COPY

1. Gandhi
2. Kannan

...Petitioners

Vs.

State rep. by
The Sub-Inspector of Police,
Chengam Police Station,
Tiruvannamalai
(Crime No. 20 of 2022)

... 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.20 of 2022 pending investigation on the file of the Respondent police.

For Petitioners : M/s.S.Paneer Selvam

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

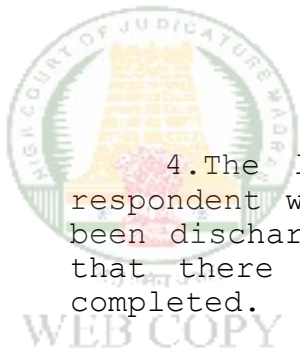
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 08.01.2022 for the offences under Sections 294(b), 324 and 307 of IPC in Crime No.20 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 08.01.2022 at about 7 a.m., the 2nd petitioner had cut the Guava tree belongs to the defacto complainant. Therefore, there was a wordy quarrel between both the families during which, the petitioners along with two other assaulted the defacto complainant and his father with wooden log. 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 a false case has been foisted against them. He would further submit that there is a case in counter against the defacto complainant and that the petitioners have been suffering incarceration for 20 days from 08.01.2022. 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 though the injured has been discharged from the hospital, he suffered 15 sutures but admits that there is a case in counter and the investigation is almost completed.

5. Considering the fact that there is a case in counter 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 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, Chengam, 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 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.

WEB COPY

-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 JUDICIAL MAGISTRATE,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SUB-INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S.S.PANNEER SELVAM Advocate on payment of necessary charges

CRL OP.1688/2022

Date :27/01/2022

RVR 28/01/2022