



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

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CORAM:

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

Cr1.O.P.No.2082 of 2022

1. Ajith Kumar ...Petitioners
2. Dinesh Kumar

Vs.

State by ... Respondent
The Inspector of Police,
Ennore Police Station,
Thiruvottriyur,
Thiruvallur District.
(Crime No.41 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No.41 of 2022 on the file of the Respondent police.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 11.01.2022 for the offences under **Sections 341, 294(b), 324, 307 and Section 506(ii) of IPC** in Crime No.41 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity with regard to fishing, the petitioners waylaid the defacto complainant and stabbed him with knife all over the body. 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 and that the petitioners have been suffering incarceration for more than 20



days from 11.01.2022. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the petitioners are brothers and the first petitioner has got two previous cases and the second petitioner has got one previous case and due to the attack made by the petitioners, the injured suffered 27 sutures but admits that the injured has been discharged from the hospital.

5. Considering the fact above facts and circumstances of the case and the injured has been discharged from the hospital 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 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 **1st petitioner** is directed to deposit a sum of Rs. **Rs.10,000/- (Rupees Ten Thousand Only)** and the **2nd petitioner** is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of **Crime No.41 of 2022** and on such deposit, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Thiruvottriyur,** 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.



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(e) the defacto complainant is permitted to withdraw the total deposit amount of Rs.15,000/- (Rupees Fifteen 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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/02/2022

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,
THIRUVOTTRIYUR, THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION,
THIRUVOTTRIYUR,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

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

CRL OP.2082/2022

Date :01/02/2022

TA-02/02/2022