



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2266 of 2022

1. Murali
2. Alex

...Petitioners

Vs.

State by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No. 34 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail pending investigation in Crime No. 34 of 2022 on the file of the Respondent police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.N.S.Suganthan
(Government Advocate Crl. 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 294(b), 323, 307 of IPC in Crime No. 34 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners along with other accused abused the defacto complainant in filthy language and attempted to murder him by inflicting grievous injuries by using lethal weapon. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would further submit that the co-accused has been granted bail by this Court 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) would raise objection stating that due to the attack made by the accused, the defacto complainant sustained cut injury in his neck and suffered 15 sutures but admits that the injured has been discharged from the hospital and the co-accused has been granted bail by this Court and that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact the injured has been discharged from the hospital and the co-accused has been granted bail by this Court 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) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.34 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-II, Hosur, 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 Sunday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.10,000/- (Rupees ten 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.

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

-sd/-

02/02/2022

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-II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
HOSUR TOWN POLICE STATION
KRISHNAGIRI DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.2266/2022

Date :02/02/2022

CSK 03/02/2022