



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

CrI.O.P.No.2429 of 2022

1. Majithkhan
2. Vijay
3. Velu

...Petitioners

Vs.

State by
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No. 22 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. 22 of 2022 on the file of the Respondent police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 16.01.2022 for the offences under Sections 294(b), 323, 324, 341, 307 and 506(ii) of IPC r/w Section 25(1)(a) of ARMS Act 1959 in Crime No.22 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a wood carving shop and he had engaged some labourers belong to North India. On 15.01.2022, the defacto complainant had sent the said North Indians along with one Mathew who is the relative of the defacto complainant to Thiruvallur Market for purchasing groceries. At that time, the petitioners along with other accused restrained the North Indians, abused in filthy language and assaulted with hands stating that because of the North Indians they could not get jobs. 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 15 days from 16.01.2022. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 4 accused in this case and the petitioners are arrayed as A1 to A3 and due to the attack, the injured suffered 6 sutures in his hand but admits that the injured has been discharged from the hospital and that the investigation is almost completed.

5. Considering the 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 petitioner 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 execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-I, Thiruvallur, 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 petitioner 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.

-sd/-

03/02/2022

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,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT .

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges SR.No.1873

CRL OP.2429/2022

Date :03/02/2022

CSK 04/02/2022