



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3400 of 2022

1.Vicky @ Vignesh
2.Vinoth

...Petitioners

Vs.

The State Rep. by
Inspector of Police,
J-3, Guindy Police Station,
Chennai.
(Crime No.63 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioners on bail in Crime No.63 of 2022 pending investigation on the file of the respondent police.

For Petitioners : M/s. R.P.Prathap Singh

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.01.2022 for the offences punishable under Section 147, 148, 341, 364, 324, 506(2) of Indian Penal Code in Crime No.63 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioners joined with other accused abducted the defacto complainant in a two wheeler and attacked him using wooden log and iron rods. Therefore, the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that nobody sustained injuries. He would specifically submit that the petitioners are in the judicial custody from 25.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor raised objection stating that the investigation is pending. However, she fairly admitted that in the alleged occurrence nobody sustained injury.

5. Submissions made by the learned Counsels on either sides are considered. It seems that in the alleged occurrence none sustained injuries and hence the custodial interrogation may not be necessary for completing investigation. Further, the petitioners are in the judicial custody from 25.01.2022. Taking into consideration of the above said aspects with the nature of offence committed by the petitioners, particularly on considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

(ii) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the learned 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].

-sd/-

11/02/2022

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.P.PRATHAP SINGH Advocate on payment of necessary
charges SR.No.2222

CRL OP.3400/2022

Date :11/02/2022

CSK 11/02/2022