



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3723 of 2022

1.Prasanth
2.Pradeep
3.Honestraj

... Petitioners / A-1 to A-3

versus

The State Rep. by
The Inspector of Police,
Nallur Police Station,
Tiruppur District.
(Crime No.72 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.72 of 2022 on the file of the respondent police.

For petitioners : Mr.M.N.Balakrishnan

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 Sections 294(b), 341, 324, 506(ii) and 307 of IPC in Crime No.72 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that, on 24.01.2022, there was a wordy quarrel arose between the petitioners, de facto complainant and others and due to the same, the petitioners assaulted the de facto complainant and others with knife, beer bottle and sticks and also threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that, it is a case of case in counter, wherein in the alleged occurrence, the persons, who are all present in support of the petitioners were also sustained injuries. It is his specific submission that the petitioners are in judicial custody from 25.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, in the alleged occurrence, the persons, who are all present on either side were sustained injuries, for which, the counter case has been registered against the de facto complainant and others. According to her, a portion of investigation has been completed and the persons, who are all sustained injuries, were discharged from the hospital.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioners for the offences punishable under Sections 294 (b), 341, 324, 506(ii) and 307 of IPC. Admittedly, it is a case of case in counter, the persons, who are all present on either side were sustained injuries. Further, all the injured were discharged from the hospital after completing treatment. Further, except one, the others sustained only a simple injury. Therefore, in the said circumstances, since the petitioners are in judicial custody for the past one month, further custody of the petitioners may not be necessary for completing the investigation.

6. Therefore, taking note of all the above said aspects into consideration and also being the reason that the petitioners are in incarceration from 25.01.2022, this Court is inclined to grant bail to the petitioners subject to certain conditions.

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

(a) 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 Judicial Magistrate No.IV, Tiruppur.

(b) 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;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;



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

(e) 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/02/2022

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.IV, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
NALLUR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.2846

CRL OP.3723/2022

Date :23/02/2022

JPA 25/02/2022