



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4127 of 2022

1.S.Gopi @ S.Gopinath
2.A.Ajith
3.J.Akash

... Petitioners / Accused

versus

State represented by
The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur, Chennai - 600 058.
(Crime No.35 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 in Crime No.35 of 2022 on the file of the respondent police.

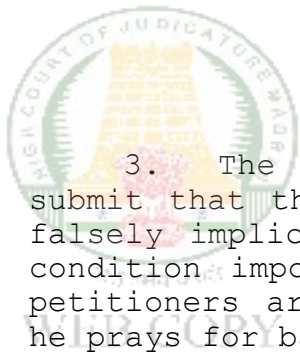
For Petitioners : Mr.H.Manivannan
for M/s.Victory Law Associates

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.02.2022 for the offences punishable under Sections 143, 147, 294(b), 380, 427, 506(i) of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.35 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.02.2022, there was a wordy quarrel between the petitioners and the de facto complainant in Tasmac shop and the petitioners assaulted the de facto complainant with beer bottles and due to the same, the de facto complainant sustained injuries. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he is ready to abide any condition imposed by this Court. He would further submit that the petitioners are in judicial custody from 07.02.2022 onwards. Hence, he prays for bail.

4. The learned Additional Government Pleader appearing for the respondent police raised objection stating that investigation is pending. However, she admits that, during the time of wordy quarrel, the petitioners herein assaulted the de facto complainant and as a result of which, the de facto complainant sustained simple injury and thereafter, he was treated as OPD.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioners for the offences punishable under Sections 143, 147, 294(b), 380, 427, 506(i) of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992. The averments found in the First Information Report would disclose the fact that during the time of occurrence, the petitioners and others developed a wordy quarrel with the de facto complainant and as a result of which, they assaulted him and due to the same, the de facto complainant sustained simply injury. Though the case under Section 380 of IPC has been registered as against these petitioners, in respect of the same, the learned Additional Public Prosecutor appearing for the respondent police would submit that in the investigation it would find out that there was no such occurrence has happened for the offence under Section 380 IPC.

6. Therefore, taking note of the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to certain conditions. 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) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, Chennai;

(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 shall report before the respondent police daily at 10.00 a.m., for a period of thirty days and thereafter, as and when required for interrogation;



(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/-

21/02/2022

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,
AMBATTUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T-2, AMBATTUR ESTATE POLICE STATION,
AMBATTUR, CHENNAI-600 058.

4 THE OFFICER INCHARGE
PONNERI PRISON.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S VICTORY LAW ASSOCIATES Advocate on payment of
necessary charges SR.NO.2681

CRL OP.4127/2022

Date :21/02/2022

JPA 21/02/2022