



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4241 of 2022

1.Arun Babu @ Aaron

2.Vignesh @ Riyaz

... Petitioners / A-3 & A-4

versus

State rep. by
The Inspector of Police,
Thirunidravur Police Station,
(Crime No.47 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.47 of 2022 on the file of the respondent police.

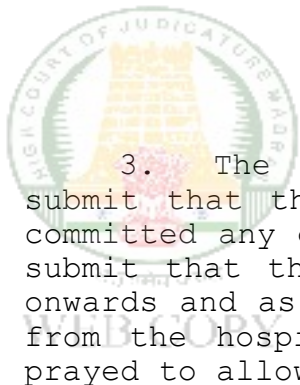
For Petitioners : Mr.S.Kartik

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

ORDER

The petitioners / A-3 & A-4, who were arrested and remanded to judicial custody on 10.01.2022 for the offences punishable under Sections 341, 324, 307 and 506(ii) of IPC in Crime No.47 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the money transaction happened between the second petitioner and the de facto complainant, all the petitioners herein are joined together and made a quarrel with the de facto complainant. During such time, the first petitioner kicked the two wheeler which belongs to the de facto complainant's husband and due to the same, he fell down and subsequently, the other petitioners attacked the de facto complainant. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 10.01.2022 onwards and as of now, the person, who sustained injury is discharged from the hospital, after completing the treatment. Accordingly, he prayed to allow this petition.

4. The learned Additional Government Pleader appearing for the respondent police admits that, the person, who sustained injury, is now discharged from the hospital, after completing the treatment. It is the specific submission made by the learned Additional Public Prosecutor that, the petitioners are having previous cases in similar nature.

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 341, 324, 307 and 506(ii) of IPC. Admittedly, the person, who sustained injury in the alleged occurrence, was discharged from the Hospital. Though the petitioners herein are having previous cases, it is the submission made by the learned counsel appearing on either side that, in those cases, the petitioners were released on bail and afterwards, they were complying with the conditions as fixed by this Court. In the said circumstances, being the reason that the petitioners are in judicial custody from 10.01.2022 onwards, further custody of the petitioners may not be necessary for completing the investigation.

6. Therefore, taking note of the above said aspects into consideration particularly 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 No.II, Tiruvallur;

(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 Dharmapuri Town Police Station 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/-

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,
NO.II, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TIRUNIDRAVUR POLICE STATION,

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
DHARMAPURI TOWN POLICE STATION, DHARMAPURI.

CC to M/S. S.KARTIK Advocate on payment of necessary charges

CRL OP.4241/2022

Date :21/02/2022

JPA 22/02/2022