



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4333 of 2022

1. Maruthamuthu
2. Anbarasan

... Petitioners /
A-7 & A-4

versus

The State rep by
The Inspector of Police,
Manali New Town Police Station,
Tiruvallur District.
(Crime No.5 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.5 of 2022 on the file of the respondent police.

For Petitioners : Mr.D.Lakshmipathy

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

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 03.01.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and subsequently, altered into Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) and 302 of IPC in Crime No.5 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners along with other accused attacked the de facto complainant, his friend and his father by using wooden log and iron rod. Due to such assault, they sustained severe injuries and admitted in the hospital and subsequently, the de facto complainant's friend has died. 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, in the alleged occurrence, the petitioners are not participated. Further, there was no overt act against these petitioners. It is his specific submission that the petitioners are in judicial custody from 03.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. According to her, in the alleged occurrence, the petitioners also participated and assaulted the deceased by using the iron rod and stones.

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 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and the same was altered into Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) and 302 of IPC. The petitioners herein are arrayed as A-7 and A-4 respectively. Now, on going through the averments found in the First Information Report, it would appear that, the names of the petitioners had not been mentioned and also there was no overt act as attributed against these petitioners. In the said circumstances, the petitioners are in judicial custody from 03.01.2022.

6. Accordingly, taking into consideration of the fact that in the alleged FIR, the names of the petitioners are not seen as well as on considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners is 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.II, Ponneri;

(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/-

22/02/2022

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, PONNERI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE INSPECTOR OF POLICE,
MANALI NEW TOWN POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges SR.NO. 2773

CRL OP.4333/2022

Date :22/02/2022

RW 23/02/2022