



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. Nos.4361 & 4471 of 2022

1. Sathish @ Nantha Gopal (A1) ...Petitioner in Crl.O.P.No.4361/22
2. Karthick (A3) ...Petitioner in Crl.O.P.No.4471/22

A-1

versus

State rep. by
The Inspector of Police
Annadhanapatty Police Station,
Annadhanapatty,
Salem District.
(Crime No.37 of 2022)

...Respondent /
Complainant in both Cases.

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.37 of 2022 on the file of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar
in both cases

For Respondent : Mrs.G.V.Kasthuri
in both cases Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.01.2022 for an offence punishable under Sections 341, 294(b), 323 and 307 of IPC in Crime No.37 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was illicit intimacy between the defacto complainant's wife and the 1st petitioner herein (A1), in this regard, quarrel arose between the defacto complainant and his wife, so she left from the matrimonial home and is living with her parents. Due to the same, enmity arose between the defacto complainant and the petitioners. Thus, on the



day of occurrence, the 1st petitioner stabbed the defacto complainant with scissor on his stomach and attempted to kill him. Hence, the case

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 both the victim and the petitioners are relatives. During the time of alleged occurrence, the petitioners and the victim developed a wordy quarrel and as a result of which, the alleged occurrence had happened. In otherwise, the petitioners are not having any intention to kill the victim. Further, the 1st petitioner had no knowledge over the weapon which is used at the time of occurrence, is likely to cause death. It is his specific submission that the petitioners are in judicial custody from 25.01.2022 onwards and hence, prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that the person who sustained injury in the alleged occurrence was discharged from the hospital on 31.01.2022 itself.

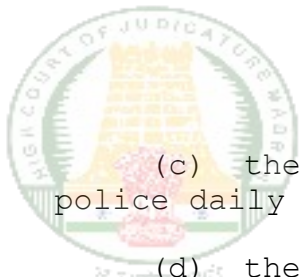
5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioners for the offence punishable under Section 341, 294(b), 323 and 307 of IPC. As of now, the property which was used for the commission of offence was recovered. Further, the person who sustained injury is discharged. Therefore, for completing the investigation, custodial interrogation of these petitioners may not be necessary in this case.

6. Therefore, taking note of all the above said aspects into consideration and the fact that the injured has been discharged and also for the reason that the petitioners are in incarceration from 25.01.2022 onwards, 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) Each of 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, Salem;

(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/-
24/02/2022

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, SALEM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANNADHANAPATTY POLICE STATION,
ANNADHANAPATTY, SALEM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, AATHUR.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary
charges SR.No.2852 + 2851

CRL OP.NOs.4361 & 4471/2022

Date :24/02/2022

CSK 24/02/2022