



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10562 of 2022

1 MATHAIYAN
2 SATHYANARAYANAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DHARMAPURI TOWN POLICE,
DHARMAPURI DISTRICT.
(CRIME NO.244 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.AGALYA Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 07.04.2022 for the offences under Sections **147, 148, 341, 294(b), 323, 324, 506(ii) IPC and subsequently altered into Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 307 IPC** in Crime No.244 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 05.04.2022, due to wordy quarrel between the petitioners and the defacto complainant, the petitioners attacked the defeacto complainant with hands, wooden sticks and also stones due to which, he sustained injuries. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners had filed an application for bail before the Principal Sessions Judge, Dharmapuri, and the same was dismissed by order dated 28.04.2022 and therefore, the present petition has been filed before this Court for bail and



that the petitioners have been suffering incarceration for more than 29 days from 07.04.2022. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that due to the attack made by the accused, the victim sustained injuries and there is a specific overt-act against these petitioners. Initially, the case was registered for the offences under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) IPC and subsequently altered into Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 307 IPC. Further, the other accused are still absconding and if the petitioners are enlarged on bail, there is every possibility of the petitioners getting abscond and tampering the witness. Therefore, the petition has to be dismissed.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials on record.

6. In view of the fact that there is a specific overt-act against these petitioners and the medical record shows that the victim sustained injuries and that the co-accused are still absconding. Further, there is every possibility of the petitioners getting abscond and tampering the witness if they are enlarged on bail. Hence, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed. The respondent police is directed to secure the other absconding accused in this case within a week from the date on which the order copy is made ready.

-sd/-
05/05/2022

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 PRINCIPAL SESSIONS JUDGE
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
DHARMAPURI TOWN POLICE,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

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

CRL OP.10562/2022

Date :05/05/2022

TA-06/05/2022