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Crl.O.P.No.16388 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16388 of 2022

1. Siyan Lawarance
2. Balaji

...Petitioners

Vs.

State rep. by
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
Crime No.310 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime
No.310 of 2022 on the file of Inspector of Police, H-1 Washermenpet
Police Station.

For Petitioners : Mr.R.Mukesh Kannah

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.04.2022 for the offences punishable under Sections **147, 148, 341, 323, 324 and 307 of the Indian Penal Code and 8(c) read with Section 22(c) and 29(1) of NDPS Act** in crime No.310 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.04.2022, at about 14.35 hrs, the respondent received information that 10 members having knife and beer bottles and assaulted 3 members. The respondent went to Stanely Government Hospital, where the three members were admitted as inpatient. On enquiry, it was informed that, one Vignesh along with his friends entered the theatre and there arose a wordy quarrel between A1's group and defacto complainant's group. Thereafter, the petitioners along with other accused waylaid the defacto complainant's group and assaulted them.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners have been suffering incarceration from 19.04.2022. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 10 accused, in which, the petitioners are arrayed as A5 and A9. On the date of occurrence, there was a wordy quarrel between two groups in the cinema theatre. They started attacking each other with knife and abusing in filthy language, in which three persons were injured. He would further submit that five knives along with 25 MDMA Ecstasy (1.35 grams) tablets were recovered from the accused persons. He further submitted that the injured persons were discharged from the hospital on 19.04.2022.

5. Considering the above facts and circumstances of the case and co-accused were enlarged on bail and also the period of incarceration



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undergone by the petitioners from the date of arrest ie., from 19.04.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on his executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police twice daily at 10.30 a.m., and 04.30.p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial.

[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



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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.

15.07.2022

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To

1. XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-1, Washermenpet Police Station,
Old Washermanpet,
Chennai, Tamil Nadu - 600 021
3. Central Prison,
Puzhal-II.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

sma

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