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CrI.OP.No.17218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

CrI.OP.No.17218 of 2022

1.Vishwanath

2.Jeevanantham

...Petitioners

Vs.

The State Rep. By
Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
(Crime No:172 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.172 of 2022 on the
file of Inspector of Police, Muthupettai Police Station, Thiruvarur
District.

For Petitioners : Mr.Swamisubramanian

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 03.07.2022 for the offences punishable under Sections 147,



CrI.OP.No.17218 of 2022

148, 294(b) and 307 of IPC in crime No.172 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioners herein along with other accused persons were alleged to have abused and assaulted the *de-facto* complainant and his brother with wooden log and beer bottles and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners were arrested and remanded to judicial custody on 03.07.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured was discharged from hospital on 05.07.2022. However, he vehemently opposed to grant bail to the petitioners.



Crl.OP.No.17218 of 2022

WEB COPY

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e., 03.07.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a 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 Judicial Magistrate Thiruthuraipoondi, Thiruvarur District**, 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 stay at Ariyalur and report before the Inspector of Police, Ariyalur Police Station, twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



CrI.OP.No.17218 of 2022

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 abscond, a fresh FIR can be registered under Section 229A IPC.

25.07.2022

mpl



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Crl.OP.No.17218 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Thiruthuraipoondi,
Thiruvarur District.
- 2.The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
- 3.Sub-Jail,
Thiruthuraipoondi.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.17218 of 2022

25.07.2022