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CrI.O.P.No.18426 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

CrI.O.P.No.18426 of 2022

1. Parthasarathi
2. Ganapathi
3. Ganesh

...Petitioners

Vs.

The State rep by
Inspector of Police,
Vellore North Police Station,
Vellore District.
Crime No.278 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.278 of 2022 on the
file of the respondent police.

For Petitioners	: Mr.S.Raja Ravi Varma
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.07.2022 for the offence under Sections **294(b), 323, 307 & 506(i) of IPC** in crime No.278 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as a security in the petrol bunk. It is alleged that on 16.07.2022 at about 12.45.p.m., the petitioner along with other accused had entered into the petrol bunk and there arose a parking dispute in between the accused persons and the petitioner, due to which, the petitioner attacked the defacto complainant with hands and kicked with legs. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. That apart, the petitioners were arrested and remanded to judicial custody on 17.07.2022. Hence, he prays for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor submits that co-accused has been enlarged on bail. However, he opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners ie., from 17.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Vellore 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 report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter as and when required for interrogation;



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[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 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.

04.08.2022

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To

1. Judicial Magistrate No.IV,
Vellore District.
2. Inspector of Police,
Vellore North Police Station,
Vellore District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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