



Crl.OP.No.19800 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

Crl.OP.No.19800 of 2022

1.Muruga @ Thanigaivel
2.Thirunavukarasu

...petitioners

Vs.

State by
The Inspector of Police,
B1- Siva Kanchi Police Station,
Kancheepuram District.
(Crime No.553 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in
connection with Crime No.553 of 2022 on the file of respondent police.

For petitioners :Mr.R.Sasikumar

For Respondent :Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioners were arrested and remanded to judicial
custody on 17.07.2022 for the offences punishable under Sections



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294(b), 323, 307 and 506(ii) of IPC in Crime No.553 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during temple festival, the petitioners herein along with another accused person in drunken mode abused the general public in filthy language and also threatened them with knife. When the same was questioned by the *de-facto* complainant, they assaulted him with hands and threatened him with dire consequences. 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. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that there are totally three accused persons, in which the petitioners are arrayed as A1 & A3. The petitioners along with other accused persons had attempted to assault the *de-facto*



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complainant with knife. He further submitted that there are 3 previous case pending as against the petitioners. Hence, he vehemently opposed for granting bail to the petitioners.

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., 17.07.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Kancheepuram**, 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 Kalpakkam and report before the Inspector of Police, Kalpakkam 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



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

23.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I,
Kancheepuram.
- 2.The Inspector of Police,
B1- Siva Kanchi Police Station,
Kancheepuram District.
- 3.Sub jail, Kancheepuram.
- 4.The Public Prosecutor,
High Court of Madras

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