



Crl.O.P.No.22109 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.22109 of 2022

1. Santhanam

2. Pazhanichandiran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Valangaiman Police Station,
Valangaiman,
Thiruvavarur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in connection
with the Crime No.488 of 2022 on the file of the respondent Police.

For Petitioners : Mr.D.Arun

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.22109 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 147, 148, 448, 294(b), 324, 307 & 506(2) of IPC, in Crime No.488 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioners along with the other accused, due to previous enmity trespassed into the house of the de-facto complainant and abused him in a filthy language and assaulted the de-facto complainant and his relatives with a wooden log, due to which, they sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that in fact the de-facto complainant's son has assaulted the petitioners in respect of which, a case has been registered in Crime No.489 of 2022 on the complaint given by the petitioners and it is a case in counter. Hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.22109 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to previous enmity, the petitioners trespassed into the house of the de-facto complainant and abused him with filthy languages and also assaulted the de-facto complainant and his relatives with wooden logs and caused the injuries. He would further submit that there is a case in counter in Crime No.489 of 2022 and there is no previous case as against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, this Court is inclined to grant bail to the petitioners.



CrI.O.P.No.22109 of 2022

WEB COPY

7. Accordingly, the petitioners is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Valangaiman**, 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 Chennai and report before the Inspector of Police, B1 North Beach Police Station, everyday at 10.30 a.m. and 5.30 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 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



Crl.O.P.No.22109 of 2022

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.

14.09.2022

ham

To

1. The District Munsif cum Judicial Magistrate,
Valangaiman.
2. The Inspector of Police,
Valangaiman Police Station,
Valangaiman
Thiruvavarur District.
3. The District Prison,
Nagapattinam.
4. The Inspector of Police,
B1 North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22109 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.22109 of 2022

14.09.2022