



WEB COPY



Crl.O.P.No.24415 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24415 of 2022

1. D.Mukesh
2. D.Manikandan
3. E.Hariharan
4. A.Raji

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.
(Crime No.170 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.170 of 2022, on the
file of the respondent Police.

For Petitioners : Mr.C.D.Sugumar

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



WEB COPY



Crl.O.P.No.24415 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.08.2022, for the offences punishable under Sections 294(b), 307, 324, 341 and 506(ii) of IPC, in Crime No.170 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Surya is that his uncle one Vijayakumar was constructing a church and the defacto complainant along with his friends gone to the church to water the building. At that time, the accused have waylaid them and A1 has assaulted the defacto complainant with knife on the head and hands and other accused have assaulted the defacto complainant and his friends with wooden log and also threatened them. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in



Crl.O.P.No.24415 of 2022

judicial custody from 29.08.2022 and the injured have been discharged from the hospital. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the defacto complainant and his friends were on their way, to water the new building. At that time, the petitioners have waylaid them and assaulted them with knife and wooden logs, resulting in, their sustaining grievous injuries. He would further submit that there are specific overt act as against the petitioners, the first petitioner has inflicted grievous injuries on the head of the defacto complainant and the other accused have assaulted the defacto complainant and his friends with wooden logs, resulting in, their sustaining injuries. He would further submit that as far as the first petitioner is concerned, there are two previous cases pending against him, the second petitioner is concerned, there is one previous case against him, the third petitioner is concerned, there is no previous case pending against him and the fourth petitioner is concerned, there are four previous cases pending against him. He would further submit that though the injured has been discharged from the hospital, the injured has suffered 12



Crl.O.P.No.24415 of 2022

WEB COPY sutures on the head. Therefore, he vehemently opposed to grant bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and the first petitioner has inflicted grievous injuries on the head of the defacto complainant and the fourth petitioner has got four previous cases, this Court is not inclined to grant bail to the petitioners 1 and 4. As far as the petitioners 2 and 3 are concerned, this Court is inclined to grant bail with certain conditions.

7. Accordingly, the petitioners 2 and 3 are 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumbudur** and on further conditions that:



Crl.O.P.No.24415 of 2022

[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 2 and 3 shall report before the respondent Police daily at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioners 2 and 3 shall not abscond either during investigation or trial;

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.

11.10.2022

vkrr



WEB COPY



Crl.O.P.No.24415 of 2022

A.D.JAGADISH CHANDIRA., J.

vkf

To

1. The Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.24415 of 2022

11.10.2022