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Crl.O.P.No.24709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2022

CORAM

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

Crl.O.P.No. 24709 of 2022

1. Logesh
2. Ganapathy

... Petitioners

Vs.

State represented by
The Inspector of Police,
E-3 Teynampet Police Station,
Chennai
(Crime No.289 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the case in Crime
No.289 of 2022 on the file of the respondent police.

For Petitioners : Mr.V.Ravikumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.09.2022, for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC and altered to one under Section 307 of IPC, in Crime No.289 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that during the Vinayagar Chathurthi procession, the petitioners, in inebriated condition, have brutally assaulted the nephew of the defacto complainant resulting in him sustaining injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that this is the second application for bail and the earlier application for bail was dismissed on the ground that the victim was still in hospital and taking treatment and that there was injuries on the vocal cord of the victim. He would also submit that as on date, the victim has been discharged from the hospital. He would further submit that the incident had happened during a wordy quarrel and an exaggerated complaint has been given as against the



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petitioners. He would also submit that there was no intention or motive on the part of the petitioner to commit the said offence. He would also state that the petitioners are prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that during the Vinayagar Chathurthi procession, the petitioners, in inebriated condition, have brutally assaulted the nephew of the defacto complainant with wooden logs, resulting in him sustaining grievous injuries. Though, the victim was discharged from the Government hospital, he was later admitted in a private hospital and discharged from the private hospital. He would further submit that the victim on account of the injuries, is unable to eat properly and he is suffering everyday. 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) for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also taking note of the fact that the alleged occurrence is stated to have taken place while the accused were in inebriated condition, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned 18th Metropolitan Magistrate, Chennai**, 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 Dindigul and report before the Inspector of Police, Town Police Station, Dindigul, daily at 10.30 a.m. until further orders;



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

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To

1. The 18th Metropolitan Magistrate, Chennai.
2. The Inspector of Police,
E-3 Teynampet Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Inspector of Police,
Town Police Station,
Dindigul.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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