



Crl.O.P.No.25593 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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

Crl.O.P.No.25593 of 2022

1. B.Mani

2. G.Thomas

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Valathy Police Station,
Villupuram District.

(Crime No.275/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.275 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Dinesh

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 13.09.2022, for the offences punishable under Sections 294(b) & 307 IPC, in Crime No.275 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of the dispute in taking Tasmac bar tender, the petitioners along with the other accused joined together and waylaid the de-facto complainant and one Amid, by abusing them in a filthy language, assaulted the de-facto complainant with aruval, due to which, he sustained head injuries. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners, aged about 20 and 21 years respectively, are innocent and they have been implicated in this case, since the respondent police suspecting that the petitioners are the henchmen of A1. He would further submit that one of the accused A2 has been detained under Act 14 and also state that the injured has been discharged from the hospital and the



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petitioners are in custody from 13.09.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners are arrayed as A3 and A4 respectively. He would further submit that on account of the previous enmity regarding the Tasmac tender, the petitioners along with other accused assaulted the de-facto complainant with aruval, due to which, he sustained head injuries. He would also submit that the injured has been discharged from the hospital. However, he oppose 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 of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioners and also considering their age, this Court is



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inclined to grant bail to the petitioners with certain conditions.

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) each** with **two sureties** (out of which one surety should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gingee**, 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 Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station, everyday at 10.30 a.m. and 5.30p.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



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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.

20.10.2022

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To

1. The Judicial Magistrate,
Gingee.
2. The Inspector of Police,
Valathy Police Station,
Villupuram District.
3. The District Prison,
Cuddalore.
4. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.
5. The Public Prosecutor,
High Court of Madras.



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