



Crl.O.P.No.25798 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

Crl.O.P.No.25798 of 2022

1. D.Mukesh

2. 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



CrI.O.P.No.25798 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 de-facto complainant Surya is that his uncle one Vijayakumar was constructing a church and the de-facto 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 de-facto complainant with knife on the head and hands and other accused have assaulted the de-facto 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 this is the second bail application before this Court and this Court on an earlier occasion dismissed the bail application in CrI.O.P.No24415 of 2022



Crl.O.P.No.25798 of 2022

vide order dated 11.10.2022 in respect of the present petitioners on the ground that they have got previous cases. He would further submit that the petitioners are in 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 while the de-facto complainant and his friends were on their way to the new construction site to water the new building, the petitioners along with the other accused have waylaid them and assaulted them with knife and wooden logs, resulting in, their sustaining grievous injuries. He would further submit that this Court finding that there are specific overt act as against these petitioners and considering the previous cases pending against them, had dismissed the bail application in respect of the present petitioners. He would further submit that this Court had also taken note of the fact that the injured has suffered 12 sutures on the head and also stated that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.



Crl.O.P.No.25798 of 2022

WEB COPY

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

6. This Court on considering the nature of injury this Court had earlier dismissed the bail application and now on taking into consideration the period of incarceration undergone by the petitioners and also taking note of the fact that the major part of the investigation is over, this Court is 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 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 petitioners and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumbudur** and on further conditions that:



Crl.O.P.No.25798 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 shall stay at Sivagangai and report before the Inspector of Police, Sivagangai 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 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]***;



WEB COPY



Crl.O.P.No.25798 of 2022

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

31.10.2022

ham

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 Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25798 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.25798 of 2022

31.10.2022