



Crl.O.P.No.25767 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

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1. Naresh

2. Ruban

3. Gogulnath

... Petitioners

Vs.

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

(Crime No.205/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.205 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.Swarnam J. Rajagopalan

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 27.09.2022, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 506 (ii) IPC, in Crime No.205 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of the previous enmity in respect of the murder of one Manthoppu Sundar, the accused, who are the relatives of the said Manthoppu Sundar, as a retaliation, abused the de-facto complainant with filthy language and assaulted him with sticks, causing grievous injuries and also taken away the mobile phone from him. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and he would further submit that earlier the relative of the petitioner was murdered by the de-facto complainant's men, due to which, there was a quarrel and at the heat of the passion, the incident had happened. He would also submit that no weapons has been used in this



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incident and the injured has been discharged from the hospital. He would also submit that the petitioners are in custody from 27.09.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the previous enmity and as a retaliation, the accused had assaulted the de-facto complainant with sticks, causing grievous injuries. He would also admit that as far as the first petitioner is concerned, he has got 2 previous cases filed under Sections 302 & 307 IPC respectively, as far as the second petitioner is concerned, he has got one previous case under section 302 IPC and as far as the third petitioner is concerned, he has no previous case. 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.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and this Court is inclined to grant bail to the third petitioner and as far as the first and second petitioners are concerned, as they have previous cases under Section 302 IPC, this Court is not inclined to grant bail to them for the present.

7. Accordingly, the bail petition in respect of the first and second petitioners is dismissed for the present and the third petitioner is ordered to be released on bail on his executing a separate 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, Vanur, Villupuram**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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, Vanur,
Villupuram.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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