



N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.25709 and 25713 of 2021

In Crl.O.P.No.25709/2021

1.Sarveswaran ... Petitioners/A1 and A2
2.Pragathesh @ Pragadeeshwaran

In Crl.O.P.No.25713/2021

1.Narendran ... Petitioners/A3 to A5
2.Nallathambi
3.Krishnamoorti

Vs.

The Inspector of Police ...Respondent in both Crl.O.Ps.
Mohanur Police Station,
Namakkal District.
Crime No.719 of 2021

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.719 of 2021 on the file of the respondent police.

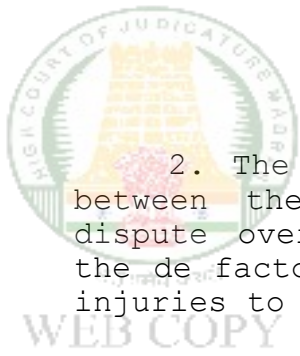
For Petitioners : M/s.S.Premakumari
(in both Crl.O.Ps.)

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
(in both Crl.O.Ps.)

COMMON ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 14.12.2021 for the offence under **Section 147, 294(b), 323, 324 and 506(ii) of IPC**, in Crime No.719 of 2021, on the file of the respondent police, seek bail.



2. The case of the prosecution is that due to previous enmity between the petitioners and the de facto complainant regarding dispute over celebrating temple festival, the petitioners attacked the de facto complainant and his friends using wooden log and caused injuries to them. Hence, the complaint.

3. The learned counsel appearing for the petitioners in both CrI.O.Ps. would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would further submit that there is a case in counter and that the petitioners are suffering incarceration for more than 15 days from 14.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (CrI. Side) raised objection but admits that there is a case in counter and the victims sustained simple injuries and that the investigation is almost completed.

5. Considering the fact that there is a case in counter and the victims sustained only simple injuries and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their **own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison,** in which the petitioners have been confined and thereafter on their release;

(b) each petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Namakkal District, within 15 days from the date of commencement of the Court's normal functioning,** failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the **respondent police on every Saturday at 10.30 a.m. until further orders.**



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(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.



5 THE OFFICER INCHARGE
SUB JAIL, ATTUR.

+2 CC to M/S S.PREMAKUMARI Advocate on payment of necessary
charges SR.NO.38, 39

CRL OP.25709 & 25713/2021

Date :03/01/2022

TA-04/01/2022