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Crl.O.P.No.26466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26466 of 2022

1. Prakash

2. Sivaprasanth

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pallapatty Police Station,
Salem District.

(Crime No.154/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.154 of 2022 pending investigation on the file of the respondent Police.

For petitioners : Mr.B.Sundarapandiyan

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 30.09.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506 (ii) of IPC, in Crime No.154 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused, due to previous enmity, abused the de-facto complainant and others in a filthy language and assaulted him and his friend with a wooden logs and hands, due to which, they sustained grievous injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners, aged about 20 and 19 years respectively, are innocent and they have been falsely implicated in this case. He would further submit that in fact the de-facto complainant and his friends have abused and assaulted the petitioners in respect of which, a case has been registered in Crime No.155 of 2022 for the offences under Sections 147, 148, 294 (b),



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323, 324, 307 & 506 (ii) of IPC r/w 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, on the complaint given by the first petitioner and it is a case in counter. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case and a case in counter. He would further submit that the petitioners are arrayed as A3 and A4 and due to previous enmity, the petitioners along with the other accused, abused the de-facto complainant and his friends in a filthy language and assaulted them with wooden logs and hands, causing grievous injuries. He would also submit that there are two previous cases as against the first petitioner and there is no previous case as against the second petitioner. He would further submit that there is a case in counter in Crime No.155 of 2022 and he oppose for grant of 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 and circumstances 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 the age of the petitioners, 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 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 petitioners and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Salem**, 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 Chennai and report before the Inspector of Police, North Beach Police Station, every day at 10.30a.m., until further orders;



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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To

1. The Judicial Magistrate II,
Salem.
2. The Inspector of Police,
Pallapatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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