



Crl.OP.No.26984 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.26984 of 2022

1. Naresh

2. Ruban

... Petitioners

Vs.

The State of Tamilnadu,
Rep. by its Inspector of Police,
Auroville Police Station,
Villupuram District.

(Crime No.205 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to grant bail to the petitioners above stated in Crime No.205 of 2022,

Auroville Police Station, Villupuram District.

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) & 397 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, in 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 contention of the learned counsel for the petitioners is that the brother of the de-facto complainant murdered by rival group and due to which, the petitioners falsely implicated in this case for the reason the petitioners assaulted the de-facto complainant with stones and caused injuries near his eye. He further submitted that the injured has been treated as



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out patient and discharged from the hospital. He also submitted that the similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.25767 of 2022 dated 20.10.2022 and the present 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 submitted that this is the second bail application before this Court. He further submitted that due to the previous enmity and as a retaliation, the accused assaulted the de-facto complainant, causing grievous injuries. He further submitted that pursuant to the order passed by the District Collector and District Magistrate, Villupuram District, in Rc.No.C2/25573/2022, dated 25.10.2022, the first petitioner detained as "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. He also submitted that as far as the second petitioner is concerned, he has got one previous case under section 302 IPC. Therefore, he vehemently opposed to grant bail to the petitioners.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions.

7. Accordingly, recording the submissions made by the learned Government Advocate (Crl.Side), the bail petition in respect of the **first petitioner is closed** and in respect of the second petitioner, the bail petition is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Vannur, Villupuram District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the second petitioner shall report before the respondent Police, every day at 10.30 a.m. for a period of two weeks and thereafter, as and when required;

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

08.11.2022

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To

1. The Judicial Magistrate, Vaanur, Villupuram District.
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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M.NIRMAL KUMAR, J.

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