



Crl.O.P.Nos.28190 & 28191 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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

Crl.OP.Nos.28190 & 28191 of 2022

Santhoshkumar ... Petitioner in Crl.O.P.No.28190 of 2022

Pandeeswaran ... Petitioner in Crl.O.P.No.28191 of 2022

Vs.

The State represented by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tirupur District.

Crime No.301 of 2022 ... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.301 of 2022 on the file of respondent police.

In Both Crl.O.P.Nos.,

For Petitioners : Mr.M.Selvam

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.10.2022 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.301 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that, during a quarrel in the Tasmac Shop, the petitioners along with other accused, abused the *de-facto* complainant in a filthy language and assaulted him with wooden log, causing severe injuries and threatened with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have been suffering incarceration from 16.10.2022. He also submitted that the similarly placed co-accused(A2) in this case has been granted bail by this Court in CrI.O.P.No.26897 of 2022 dated 04.11.2022 and hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners, who are arrayed as A1 & A3, along with other accused, due to the quarrel in the Tasmac Shop, had abused the *de-facto* complainant in a filthy language and assaulted him with wooden log, causing severe injuries and also threatened with dire consequences. He further submitted that the injured victim has been discharged from the hospital. He also stated that one previous case is pending against the petitioners. Hence, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioners and also considering that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner.



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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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palladam** 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 report before the respondent police daily at 10.30.a.m. and 5.30 p.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 in accordance with law as if the conditions have been imposed and the petitioners released on bail



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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.

17.11.2022

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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tirupur District.
3. The Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

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