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Crl.O.P.Nos.28227 & 28233 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

Crl.O.P.Nos.28227 & 28233 of 2022

1.Maniyarasan  
2.Pradeep ... Petitioners in Crl.O.P.No.28227 of 2022

1.Rajeswaran  
2.Lenin  
3.Somasundaran ... Petitioners in Crl.O.P.No.28233 of 2022

Vs.

The State Represented by,  
The Inspector of Police,  
Perugavalthan Police Station,  
Thiruvarur District.  
(Crime No.180/2022) ... Respondent in both Crl.O.P.'s

**PRAYER in both Crl.O.P.'s:** Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.180/2022 on the file of the respondent police.

For Petitioners  
in both Crl.O.P.'s : Mr.T.Muruganantham



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For Respondent  
in both Crl.O.P.'s : Mr.C.E.Pratap  
Government Advocate (Crl.side)

### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 12.10.2022 respectively for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 332, 427, 379 and 307 of IPC in Crime No.180 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Surya Kumar, who is a police officer belonging to Special Branch is that on 20.08.2021, one Pattimar Fernandes had given a complaint stating that he had gone to take bath in Paamani river and the accused had threatened to do away with him. Thereby, in respect of which the *de-facto* complainant had gone to conduct an enquiry. On 12.10.2022, around 10.30 p.m., while he was returning after official work, the accused had waylaid him saying that the *de-facto* complainant shall not interfere with their activities and assaulted him with wooden log indiscriminately, resulting him in sustaining injuries. Further allegation is that the accused had taken away the motor cycle of the *de-facto* complainant. Hence, the complaint.



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3. The learned Counsel for the petitioners would submit that the petitioners are innocent and that they have been falsely implicated in this case since the respondent police suspects that the petitioners are associates of one Jeevanantham/A1 and Ashok Kumar/A2, who are local rowdy elements. Even as per the complaint, main allegations of assault are attributed to the said Jeevanantham and Ashok Kumar and the allegation as against the petitioners is that they are only present at the scene of occurrence. Other than that, there is absolutely no allegation as against the petitioners and the petitioners have not assaulted the *de-facto* complainant. He would further submit that the A1 & A2 have been detained under Act 14 and as far as these petitioners are concerned, they are under custody from 12.10.2022. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are local rowdy elements and associates of one Jeevanantham and Ashok Kumar. The accused have waylaid the *de-facto* complainant, Special Branch Police and they have assaulted him indiscriminately. However, allegations of assault on the police



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is attributed only to A1 & A2 and they had been detained under Act 14. As far as the A3/1<sup>st</sup> petitioner in Crl.O.P.No.28233 of 2022 is concerned he has got 2 previous cases pending trial. As far as the other petitioners are concerned, they do not have any previous cases. He would further submit that the accused persons had also taken away the motor cycle of the *de-facto* complainant and caused damages. Hence, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that the each of petitioners, without prejudice to their rights and contentions are ready and willing to deposit a sum of Rs.1,000/- (Rupees One Thousand Only) each to the credit of Crime No.180 of 2022.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the



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case and the submissions made by the learned counsel and also considering that each of the petitioners, without prejudice to their rights and contentions are ready and willing to deposit a sum of Rs.1,000/- (Rupees One Thousand Only) to the credit of Crime No.180 of 2022, this Court is inclined to grant bail to the petitioners.

8. Accordingly, each of the petitioners shall deposit a sum of Rs.1,000/- (Rupees One Thousand Only) to the credit of Crime No.180 of 2022 and on such deposit, 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)** with **two sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate, Thiruthuraipoondi**, 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] each of the petitioners shall deposit a sum**



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**of Rs.1,000/- (Rupees One Thousand Only) to the credit of Crime No.180 of 2022 and the learned Magistrate concerned shall hand over the same to the respondent police.**

**[c] the petitioners shall stay at Chennai and report before the Inspector of Police, Thirumangalam Police Station everyday at 10.30 a.m., until further orders;**

[d] the petitioners shall not abscond either during investigation or trial;

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

[f] 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]***;

[g] If the accused thereafter abscond, a fresh



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FIR can be registered under Section 229A IPC.

**17.11.2022**

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**A.D.JAGADISH CHANDIRA.,J.**

mpl

To

1. The Judicial Magistrate, Thiruthuraipoondi.
2. The Inspector of Police,  
Perugavalthan Police Station,  
Thiruvarur District.
3. Sub-Jail,  
Thiruthuraipoondi.
4. The Public Prosecutor,  
High Court of Madras.

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