



Crl.O.P.No.31246 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2022

CORAM :

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

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1. Rubesh Kumar,
S/o. Muthaiah
2. Manikandan,
S/o. Muthaiah
3. Muthaiyan,
S/o. Subramani
4. Ganesh Kumar,
S/o. Ranganathan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
C-1 Sriperumbudur Police Station,
Kancheepuram.
(Crime No.725 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.725 of 2022 on the file of respondent police.



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For Petitioners : Mr.V.Premkumar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.11.2022 for the alleged offence punishable under Sections 147, 148, 294(b), 324, 506(ii) of I.P.C. r/w Sec.3(1) of TNPPDL Act, 1984 in Crime No.725 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a Ward Councilor of Vadamangalam Village and it is alleged that there was a money transaction between the daughter of his relative, who was working in Roja Textiles and one Roobeshkumar also working along with her. While being so, on 27.11.2022 at about 08.00 p.m. the petitioners along with Kanniyammal and Lakshmi came to the house of Durairaj and demanded money, thereby created problem and on the intimation of 1st petitioner, the petitioners along with other 10 others came there and abused them in filthy language and also attacked them.



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When it was prevented by his brother, he sustained injuries on the assault of Roobeshkumar with iron rod below the knee and also damaged the motor cycle. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that the defacto complainant and his relative have intentionally called the 1st petitioner to their home and assaulted him. He would submit that the petitioners are innocent persons and they are no way connected with the occurrence. He would submit that they have been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital and he is in custody for more than 20 days from 28.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are 9 accused involved in this case. He would submit that the petitioners 1 to 4 along with other accused assaulted the defacto complainant and his brothers with sticks and stones with regard to demanding of money, in which the defacto complainant's brother sustained injuries. He would submit that now the



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injured was discharged from the hospital and the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that the injured discharged from the hospital, and the investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Sriperumbudur** and on further conditions that:

(a) 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;



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(b) the petitioners shall report before the respondent police as and when required for interrogation.

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

(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 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];

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

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To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police,
C-1 Sriperumbudur Police Station,
Kancheepuram.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI, J.

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