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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

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

Crl.O.P.No.31757 of 2022

1.Mathiyazhagan
2.Senthamizhselvan
3.Kalaiselvan
4.Prithiviraj

...Petitioners

Vs.

State rep. by
The Sub-Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.573 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.573 of 2022 on the file of the respondent police.

For petitioner : Mr.S.Diwakar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.12.2022 for the offence under Sections 147, 148, 294(b), 324, 323, 427,



354, 506(ii) and 307 of IPC in Crime No.573 of 2022, on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to wordy quarrel between the two rival groups the petitioners abused them in filthy language and attacked them. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners have nothing to do with the alleged offence and the petitioners are in custody for more than 10 days. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there was a community clash between the two rival groups and there are more than 50 accused in this case. He would further submit that there is a case in counter. The counter case bail petition is pending before the SC/ST Court. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioners.



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5. Considering the facts and circumstances and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Tittagudi, 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 on every Saturday at 10.30 a.m., for a period of six months and thereafter, appear before the respondent police as and when required for interrogation.

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

[d] the petitioners shall not abscond during investigation/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]***; and;

[f]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The Judicial Magistrate, Tittagudi,
- 2.The Sub-Inspector of Police,
Pennadam Police Station,
Cuddalore District.
- 3.The Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.
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