



Crl.O.P.No.975 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2023

CORAM :

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

Crl.O.P.No.975 of 2023

1. S.Raghunath,
S/o. Surlivel

2. Tamilvaanan P.,
S/o. Palani

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Nolambur Police Station,
Chennai Dt.
(Crime No.442 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.442 of 2022 on the file of respondent police.

For Petitioners : Mr.S.Nambirajan

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



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Crl.O.P.No.975 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 31.12.2022 for the alleged offence punishable under Sections 341, 294(b), 323, 324, 307, 506(2) of I.P.C. in Crime No.442 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 31.12.2022 at about 08.15 hrs., the defacto complainant and opposite party of persons were on drunken mood, at that time, the 1st accused thrown out the drinking glass and when the defacto complainant questioned about the incident, the petitioners along with other accused brutally attacked with beer bottle, thereby he sustained grievous injuries. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that they never assaulted defacto complainant at any point of time and 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



Crl.O.P.No.975 of 2023

WEB COPY

from the hospital and the petitioners are in custody for more than 19 days from 31.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that at the wineshop, when the defacto complainant and opposite persons were on drunken mood, there was a wordy quarrel between them, in which the petitioners along with other accused assaulted and abused defacto complainant. He would submit that the investigation is almost completed and the injured was discharged from the hospital. 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:



Crl.O.P.No.975 of 2023

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6. Accordingly, the petitioners are **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) into the credit of Crime No.442 of 2022 and the defacto complainant is permitted to withdraw the said amount** and on such deposit, 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, Ambattur** 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;

(b) the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for the period of eight weeks;

(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



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Crl.O.P.No.975 of 2023

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.

19.01.2023

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To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
Nolambur Police Station,
Chennai Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal No.2, Chennai.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.O.P.No.975 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.975 of 2023

19.01.2023