



Crl.O.P.No.2379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2023

CORAM :

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

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1. Jana @ Akash,
S/o. Murugan
2. Sarathkumar,
S/o. Chidambaram
3. Krishnakumar @ Kicha,
S/o. Sakthivel

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
(Crime No.593 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.593 of 2022 on the file of respondent police.



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For Petitioners : Mr.V.Babu
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.12.2022 for the alleged offence under Sections 147, 148, 294(b), 353, 506(ii) of I.P.C. r/w 25 (1A) of Arms Act, 1959 in Crime No.593 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 28.12.2022 around 10.00 a.m., the petitioners have formed an unlawful assembly at the flyover of Thirukazhukundram with deadly weapons and claimed themselves as Chenglepet rowdies and when the respondent police restrained them, they deterred the police/public servant from discharging their duty and on enquiry, they were found in possession of stolen two wheeler. Accordingly, the complaint was registered against the petitioners.



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3. The learned counsel for the petitioners submitted that that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 40 days from 27.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 5 accused involved in this case and the petitioners are arrayed as A1, A3 and A4. He would submit that there are 4 previous cases pending against 1st petitioner, there is one previous case pending against 2nd petitioner and there are 3 previous cases against 3rd petitioner. He would submit that the petitioners claiming themselves as Chenglepet rowdies, they threatened the public by showing weapons. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.



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5. So far as the 1st petitioner is concerned, considering the above facts and circumstances and also the fact that there are four previous cases pending against him, this court is not inclined to grant bail to the 1st petitioner. Accordingly, this Criminal Original Petition is dismissed against 1st petitioner.

6. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners 2 and 3, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Judicial Magistrate No.2, Chengalpattu*, and on further conditions that::

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 2nd petitioner shall stay at Karur District and report before the Town Police Station, Karur daily at 10.30 a.m. for the period of two months;

(c) the 3rd petitioner shall stay at Dharmapuri District and report before the Town Police Station, Dharmapuri daily at 10.30 a.m. for the period of two months;

(d) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 and 3 shall not abscond 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 2 and in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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)*



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AIR SCW 5560/; and;

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

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To

- 1.The Judicial Magistrate No.2,
Chengalpattu.
- 2.The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
- 3.The Superintendent of Prison,
Central Prison, Chengalpattu.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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