



Crl.O.P.Nos.5285, 5287 & 5288 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

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

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Giri @ Giridharan	... Petitioner in Crl.O.P.No.5285 of 2023
Senguttuvan @ Vengatesan	... Petitioner in Crl.O.P.No.5287 of 2023
Ravikkumar	... Petitioner in Crl.O.P.No.5288 of 2023

Vs.

The State represented by,
The Inspector of Police,
Thiruvavur Town Police Station,
Thiruvavur District.

(Crime No.26 of 2023). ... Respondent in all Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail, in connection with the Crime No.26 of 2023, pending investigation on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioners	: Mr.P.Muthamizhselvakumar
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.02.2023, for the offences punishable under Sections 147, 148, 341, 294(B), 324, 427, 506(ii), 307 of IPC, in Crime No.26 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.02.2023, when the *de-facto* complainant went along with his friend to the Police Station in order to solve the dispute between his friend and one Durairaj (A1), the said A1 along with other accused, due to previous enmity, abused and brutally attacked him with aruval, due to which, he sustained grievous injuries and admitted in hospital for treatment. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this Case. He further submitted that the petitioners are no way connected with the alleged offence and due to previous enmity, a false complaint has been lodged against them. He also submitted that similarly placed co-accused (A1) has been granted bail by this Court in Crl.O.P.No.5153 of 2023 vide order dated



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03.03.2023 with a direction to deposit a sum of Rs.5000/- to the credit of crime No.26 of 2023 on condition that the victim was permitted to withdraw the same. He further stated that the petitioners herein are also ready to comply with the aforesaid conditions. He further stated that the petitioners are also ready to abide by any other stringent conditions that may be imposed on them. He also submitted the the petitioners are in custody from 01.02.2023, hence, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that there are 6 accused in this case and the petitioners herein, are arrayed as A3, A4 & A5. He further submitted that due to previous enmity, the petitioners along with other accused, waylaid the *de-facto* complainant and abused him in a filthy language and brutally assaulted him with aruval, causing grievous injuries. He also submitted that the injured has been discharged from the hospital, however, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned



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Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and also taking note of the fact that the similarly placed co-accused has been granted bail by this Court, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to **deposit a sum of Rs.5000/- (Rupees Five Thousand only) each to the credit of Crime No.26 of 2023 before the learned Magistrate concerned and the victim is permitted to withdraw the same on filing undertaking affidavit and proper identification and acknowledgment** and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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, Thiruvavarur**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 alternative days at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

06.03.2023

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To



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1. The Judicial Magistrate,
Thiruvarur.
2. The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
3. The District Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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