



Crl.O.P.Nos.11134 & 11138 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.Nos.11134 & 11138 of 2023

1.Udhayan

2.Anbarasan

3.Arunkumar

... Petitioners in Crl.O.P.No.11134 of

2023

Aswin

... Petitioner in Crl.O.P.No.11138 of

2023

Vs.

The State represented by,
The Inspector of Police,
Mailam Police Station,
Villupuram District.

(Crime No.135 of 2023).
Crl.O.Ps

... Respondent in both

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in Crime No.135 of 2023 pending on the file of the respondent Police.



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In both Crl.O.Ps

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.03.2023, for the offence punishable under Sections 294(b), 323, 147, 148, 393, 398 of IPC, in Crime No.135 of 2023, registered on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused have abused the defacto complainant in a filthy language, since he had questioned them for teasing a lady in a temple festival and attempted to assault him by using a knife, also threatened the public and escaped from the spot. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that no one has been sustained injury in this case



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and the petitioner is in judicial custody from 27.03.2023. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that during the temple festival, when the defacto complainant had questioned the accused for teasing a lady, the petitioners have abused him, tried to assault him, threatened the public and escaped from the spot. He further submitted that there is no previous case pending against A2; As far as A3 and A5 are concerned, 17 previous cases are pending against them in Pondicherry and 7 previous cases in Tamil Nadu and as far as A4 is concerned, 18 previous cases are pending against him in Pondicherry and 7 previous cases in Tamil Nadu. He also submitted that the investigation is still pending and only four witnesses have been examined. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made the learned counsel on either side and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, 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 No.II, Tindivanam**, 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 daily at 10.30 a.m., until further orders/;

[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;



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[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.

17.05.2023

vk

To

1. The Judicial Magistrate No.II,
Tindivanam.
2. The Inspector of Police,
Mailam Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

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