



Crl.O.P.Nos.11795 & 12117 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

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

Crl.O.P.Nos.11795 & 12117 of 2023

1. Dinesh @ Bomma Dinesh

S/o.Veeraragavan

2. Saravanan

S/o. Arumugam

... Petitioners in Crl.O.P.No.11795 of 2023

Dinesh @ Eli Dinesh

S/o. Umapathy

... Petitioner in Crl.O.P.No.12117 of 2023

Vs.

The State represented by,
The Inspector of Police,
Manimangalam Police Station,
Chengalpattu District.

(Crime No.94 of 2023).

... Respondent in both Crl.O.Ps.,

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime No.94 of 2023, pending investigation on the file of the respondent Police.



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In Crl.O.P.No.11795 of 2023,

For Petitioners : Mr.D.Magesh
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

In Crl.O.P.No.12117 of 2023,

For Petitioner : Mr.S.P.Pavanan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.04.2023, for the offences punishable under Sections 294(b), 323, 324, 364, 307 & 506(ii) of IPC, in Crime No.94 of 2023 registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the previous enmity, on account of selling ganja, the accused had kidnapped the brother of the *defacto* complainant, abused him in a filthy language, caused grievous injuries by assaulting him with knife and also threatened him with dire consequences. Hence the case.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the name of the petitioners does not find place in the First Information Report and they have been unnecessarily roped in this case. He also submitted that there is no bad antecedents as against these petitioners and they are in custody from 18.04.2023. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, on account of selling of ganja, the petitioners along with other accused had kidnapped the de-facto complainant's brother, abused and assaulted him with knife and also threatened him with dire consequences. He also submitted that injured has been discharged from the hospital and the investigation in this case is pending. He also submitted that no previous case is pending as against the petitioner, however, he vehemently opposed for grant for bail to the petitioners.



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5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital and no previous case is pending against the petitioners and also considering the period of incarceration undergone 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 separate bond each 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, Tambaram**, 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;



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[b] the petitioners shall stay at Villupuram and report before Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m. and 5.30p.m, until further orders;

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

[e] the petitioners shall not tamper with evidence or witness 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.06.2023

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To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Inspector of Police,
Manimangalam Police Station,
Chengalpattu District.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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