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Crl.O.P.No.14074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14074 of 2023

1. Tendulkar

2. Subramani

3. Krishnamoorthy

... Petitioners

Vs.

State By

Inspector of Police

Eriyur Police Station

Dharmapuri

(Crime No.59 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in Crime No.59 of 2023, on the file
of the respondent Police.

For Petitioners : M/s.S.Sengodi

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.04.2023, for the offences punishable under **Sections 147, 148, 324, 326, 506(ii) and 307 IPC**, in Crime No.59 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Selvarani is that there was an enmity between her husband Perumal and his cousin one Surya Prakash due to which, on 09.04.2023 at about 1.30 p.m., when the defacto complainant along with her husband was in the Farm House, the said Surya Prakash along with 4 other persons had come there and assaulted her husband indiscriminately with Aruval due to which, he sustained grievous injuries. Hence, the case.

3. The learned Government Advocate (Crl. Side) would submit that the 1st petitioner has been detained under Act 14 pursuant to the order of the District Magistrate and District Collector, Dharmapuri, dated 19.06.2023.



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4. At this Juncture, the learned counsel appearing for the petitioners submitted that the petitioners 2 and 3 are innocent persons and they have been falsely implicated in this case based on the confession recorded from the arrested accused. He further submitted that the names of the petitioners 2 and 3 do not find a place in the FIR. Even as per the FIR, the defacto complainant has stated that only 4 people had accompanied the said Surya Prakash. Now strangely, the petitioners 2 and 3 have been arrayed as A8 and A9. He would further submit that there are no previous cases against the petitioners 2 and 3 and they have been languishing in jail from 10.04.2023. Hence, he prayed for grant of bail to the petitioners 2 and 3.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for the grant of bail to the petitioners 2 and 3 stating that the 1st accused Surya Prakash is the cousin brother of the husband of the defacto complainant. On account of a property dispute, the 1st accused along with other accused assaulted the husband of the defacto complainant indiscriminately resulting in him sustaining grievous injuries. However, he would submit that the petitioners 2 and 3 have no previous case against them.



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6. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the contents of the FIR.

7. In view of the submission made by the learned Government Advocate (Crl. Side) that the 1st petitioner has been detained under Act 14, **this Criminal Original Petition is closed insofar as the 1st petitioner is concerned.**

8.Insofar as the petitioners 2 and 3 are concerned, it is seen that they are aged about only 20 and 22 years respectively. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners 2 and 3, this Court is inclined to grant bail to the **petitioners 2 and 3** with certain conditions.

9. Accordingly, the **petitioners 2 and 3** are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties out of which, one surety shall be the father or mother of the petitioners**, each for a like sum to the satisfaction of



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the learned Judicial Magistrate, Pennagaram, 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 2 and 3 shall stay at Thiruvallur and report before the Inspector of Police, Town Police Station, everyday at 10.30 a.m. until further orders;

[c] the **petitioners 2 and 3** shall not abscond either during investigation or trial;

[d] the **petitioners 2 and 3** 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 2 and 3** 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)AIR SCW 5560]*;



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

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To
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1. The Judicial Magistrate, Pennagaram
2. The Inspector of Police
Eriyur Police Station
Dharmapuri
3. The Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police,
Town Police Station, Thiruvallur.



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A.D.JAGADISH CHANDIRA.,J.

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