



Crl.O.P.No.19452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19452 of 2023

1.S.Mahendra Balu
2.S.Dhanapal

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.
Crime No.364 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.364 of 2023 on the file of the Inspector of Police, Velampalayam Police Station, Tiruppur City.

For Petitioners : Mr.P.Thinesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.07.2023 for the offences punishable under Sections 294(b), 323, 307 & 506(i) of IPC in Crime No.364 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in Crime No.364 of 2023 for the offences under Sections 294(b), 323, 307 & 506(i) of IPC. Petitioners are in judicial custody from 02.07.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that, there is a previous enmity between the *de-facto* complainant and the accused. On 22.04.2023, at about 11.30 p.m., the accused Mahendra babu had come to the room of the *de-facto* complainant. When *de-facto* complainant, his friends and hindi speaking boys were having food, accused Mahendra babu threatened them that they should not work there from tomorrow. After some time, he came along with with his brother



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Dhanapal and Mahendran stabbed Surendran with knife on his stomach. He also stabbed Pandi. As a result, they are seriously injured. This is the 2nd bail petition, filed by the petitioner. However, he seeks dismissal of this petition.

4. Considered the submissions and perused the records.

4.1 Earlier bail petition in Crl.O.P.No.16828 of 2023 was dismissed on 28.07.2023, for the reason that, victim had not been discharged from the hospital at the time of disposal of the bail petition. Now, it is informed by the learned additional Public Prosecutor that, victim was discharged from the hospital.

5 .Considering the fact that petitioners are in judicial custody from 02.07.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions. Accordingly, petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty



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Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Tiruppur** 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 morning 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.

[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].



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

29.08.2023

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To

1.The Judicial Magistrate No.III, Tiruppur.

2.The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.

3.The District Prison, Tiruppur

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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