



CrI.OP.No.20482 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20482 of 2023

1.Ananthajothi

2.Veerapandiyan @ Veerapandi

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
S.H.O. Sethiyathope Police Station,
Cuddalore District.
(Crime No.173 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.173 of 2023 on the file of respondent Police.

For Petitioners : Mr.M.I.Javid Akbar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.07.2023 for the offences punishable under Sections 392 and 511 of I.P.C. and subsequently, altered into Section 397 I.P.C, in Crime No.173 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.173 of 2023 for the offences under Sections 392 and 511 of I.P.C. and subsequently, altered into Section 397 I.P.C. Petitioners filed undertaking affidavit that they are prepared to meet the medical expenses of the victim. Petitioners are in judicial custody from 19.07.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that on 18.07.2023, at about 11.10 p.m, when defacto-complainant, Martinraj and Jayapaul were engaged in their duty as security for the construction of NH 45'C Bridge, accused Anandhajothe and Veerapandiyan tried to steal the iron rods. On seeing that, Martinraj tried



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to prevent them from stealing. Therefore, the accused had hit Martinraj with iron rod on his back and right hand. As a result, he suffered extensive injuries. He had taken treatment in private hospital. It is the submission of learned Additional Public Prosecutor that Martinraj spent a sum of Rs.75,000/- towards medical expenses. He produced copy of the accident register of Martinraj to show the nature of injuries as follows:-
i) laceration of 7X2X1 cm over left wrist ii) Laceration of 6X2X2 cm in Right lower chest.

4. Considered the rival submissions and perused the records.

5. In view of the undertaking affidavit filed by the petitioners that they are prepared to pay the medical expenses of the injured Martinraj, that petitioners are in judicial custody from 19.07.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail



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on their executing a bond for a sum of **Rs.25,000/-** each (Rupees Twenty Five Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Chidambaram**, 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 without prejudice to their defence shall deposit a sum of Rs.40,000/- each (Rupees Forty Thousand only) each, to the credit of the Crime No.173 of 2023 before the learned Judicial Magistrate No.I, Chidambaram. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioners.

[b] the petitioners shall report before the respondent Police daily at 10.00.a.m., until further orders.

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

[d] the petitioners shall not tamper with evidence



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.I,
Chidambaram.
- 2.The Inspector of Police,
S.H.O. Sethiyathope Police Station,
Cuddalore District.
- 3.Central Prison,
Cuddalore
- 4.The Public Prosecutor,
High Court of Madras



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