



WEB COPY



Crl.O.P.Nos.29252 & 29254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.Nos.29252 & 29254 of 2023

Naveen ... Petitioner in Crl.O.P.No.29252 of 2023

Nishanth ... Petitioner in Crl.O.P.No.29254 of 2023

Vs.

The State rep by
The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Namakkal District.
Crime No.321 of 2023

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439
of Cr.P.C., pleaded to enlarge the petitioner / Accused on bail in Crime
No.321 of 2023, on the file of the respondent Police.

For Petitioner : Mr.C.Santhosh Kumar
in Crl.O.P.No.29252 of 2023

For Petitioner : Mr.R.Prabudoss
in Crl.O.P.No.29254 of 2023

For Respondent : Ms.G.V.Kasthuri
in both Crl.O.Ps Additional Public Prosecutor.



Crl.O.P.Nos.29252 & 29254 of 2023

WEB COPY

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 03.12.2023, seek bail in Crime No.321 of 2023, which was registered by the respondent Police for the offences under Sections 294(b), 323, 324 and 307 of IPC.

2.The case of the prosecution is that due to a dispute regarding room rent, the petitioners along with others have assaulted the victim with hands and brick on his head and the victim suffered grievous injuries. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners who are the college students, are innocent persons and they have been falsely implicated in this case. He further submitted that there is no previous antecedents against the petitioner and they have been in judicial custody from 03.12.2023. Hence, he seeks for granting bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that due to a dispute regarding room rent, the petitioners along with others have assaulted the victim with hands and brick on his head and the victim suffered grievous injuries and admitted in the hospital. She further



CrI.O.P.Nos.29252 & 29254 of 2023

submitted that the injured has been discharged from the hospital. Hence, she opposed for granting of bail to the petitioners.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and also considering that the injured has been discharged from the hospital, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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, Namakkal District and on further conditions that:

[b] the petitioners shall report before the respondent Police, on every Saturday at 10.00 A.M. untill further orders.

[c] the petitioners shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against



CrI.O.P.Nos.29252 & 29254 of 2023

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

28.12.2023

vkx/apd

To

1. The Judicial Magistrate No.II, Namakkal District.
2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Namakkal District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.29252 & 29254 of 2023

P.DHANABAL, J.

vkx/apd

Crl.O.P.Nos.29252 & 29254 of 2023

28.12.2023