



Crl.O.P.Nos.549 & 606 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.549 & 606 of 2024

S.Manivasan S/o. Selvam

...Petitioner/Accused-6
in Crl.O.P.No.549 of 2024

1.Parthiban S/o. Balaji

2.Jaganathan S/o. Kandasamy

...Petitioners/Accused-3 & 4
in Crl.O.P.No.606 of 2024

Vs.

State represented by
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.

(Crime No.832 of 2023)
Crl.O.Ps.

...Respondent in both

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Crime No.832 of 2023 on the file of the respondent on such terms and conditions.

(In Crl.O.P.No.549 of 2024)

For Petitioner : Mr.P.Jayachandran

For Respondent : Mr.L.Baskaran



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Government Advocate (Crl. Side)

(In Crl.O.P.No.606 of 2024)

For Petitioners : Mr.Sathiyaraj E.

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

COMMON ORDER

The accused 2 and 4 have filed Crl.O.P.No.606 of 2024 and the 6th accused has filed Crl.O.P.No.549 of 2024, both in Crime No.832 of 2023, registered by the respondent police for the offences under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) of IPC, seek bail. The accused 2 and 4 were remanded to custody on 24.12.2023 and the 6th accused was remanded to custody on 25.12.2023.

2.It is the case of the prosecution that on 24.12.2023, at around 6.30 p.m., the accused persons had gone over to a petrol bunk at Senthur and filled petrol in their two-wheelers without paying the money. When the staff asked for money, it is stated that the accused had abused him in filthy language and had assaulted him with knife and had caused grievous injuries.



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3.It is stated that the injured had been discharged from hospital on 26.12.2023 and an objection has been raised by the learned Government Advocate (Crl. Side) for the respondent that the nature of injuries is quite serious and therefore stated that there was no previous enmity between the accused and the injured but that, having suffered injuries, the defacto complainant should be compensated for his sufferings.

4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners in both the criminal original petitions with certain conditions:

5.Accordingly, the petitioners in both the criminal original petitions are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruvannamalai, 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] each of the three petitioners shall deposit a sum of Rs.2000/- (Rupees Two Thousand only) to the credit of Crime No.832 of 2023 before the Judicial Magistrate No.II, Tiruvannamalai District. On such deposit, the Judicial Magistrate No.II, Tiruvannamalai District, may hand over the said amount to the defacto complainant.

[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].



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

6. It is made clear that each one of the accused who seek relief in this case, should also be directed to pay similar compensation if ever any application comes up for consideration before the Sessions Court.

18.01.2024

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C.V.KARTHIKEYAN. J.



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To



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

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