



Crl.O.P.No.7224 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

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1. Balan,
S/o. Gopal

2. Boobalan,
S/o. Balan

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Polur Police Station,
Thiruvannamalai Dt.
(Crime No.79 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.79 of 2024 pending on the file of respondent police.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.V.Meganathan,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.03.2024 for the alleged offence under Sections 294(b), 341, 342, 323 and 307 of I.P.C. in Crime No.79 of 2024 on the file of the respondent police, seek bail.

2. The case of prosecution is that there is a civil dispute between the parties pending in civil court, there was a previous enmity and on 06.03.2024 around 08.00 p.m., when the defacto complainant was heading towards Polur from Pettai in his two wheeler, the petitioners intercepted him, scolded him in filthy language and attempted to kill him by assaulting with knife, due to which, he sustained injuries on his right hand, right leg thigh, right foot and admitted in hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that the entire allegations against them is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not



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at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 25 days from 07.03.2024. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are 2 accused involved in this case and they are arrayed as A1 and A2. He would submit that on the date of occurrence, there was a wordy quarrel between them, thereby they attacked the defacto complainant with knife and wooden log, due to which he sustained injuries and he was admitted in hospital for treatment and subsequently, he was discharged from the hospital. He would submit that if they are released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also the fact that injured discharged from the hospital and on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Polur, Thiruvannamalai**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on every Saturday at 10.30 a.m. for the period of three months ;



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(c) the petitioners shall not leave India without consent of court concerned.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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1. The Judicial Magistrate,
Polur, Thiruvannamalai.
2. Inspector of Police,
Polur Police Station,
Thiruvannamalai Dt.
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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