

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge**

Thursday, the 24th day of November, 2022

Crl.M.P.Nos. 22994 & 22995/2022

in

H-3 Tondiarpet P.S. Crime No. 323/2022

1. Ranjith Kumar
2. Rakesh

.. Petitioners/Accused.
in Crl.M.P.No.22994/2022

1. Ravi
2. Sudhakar
3. Srinivasan

.. Petitioners/Accused
in Crl.M.P.No.22995/2022

Vs.

State Rep. by
The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai.

..Respondent/Complainant.
in both the petitions

The above petitions are coming on this day before me for hearing in the presence of M/s. D. Vinoth Kumar, P. Vimal, Counsel for the petitioners in Crl.M.P.No. 22994/2022 and of M/s. M.R. Mohammed Fazululla, Mohammed Ismail, Counsel for the petitioners in Crl.M.P.No.22995/2022 and of CPP for respondent, and upon hearing them, this Court delivered the following:

COMMON ORDER

1. The petitioners, who were arrested on 7.11.2022 and 9.11.2022 respectively for the offences punishable under Section 147, 148, 294(b), 324, 307 and 506(ii) IPC in Crime No.323/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioners in Crl.M.P.No.22994/2022 submits that it is a case and counter case. Crime No.324/2022 was registered against the defacto complainant and others. These petitioners are sons of A1 Ravi. These petitioners were informed that their

father was admitted at Rasi Hospital. When the petitioners reached the hospital, there, defacto complainant and his uncle Madhan and others came there and scolding his father in abusive language and all of a sudden they hit the petitioners' father Ravi and uncle Sudhakar using wooden logs. Madhan stabbed their father with knife. Due to which, both sides parties sustained injury and admitted to hospital. The said Madhan is a murder case accused and currently he indulged in selling wine bottles in his area. The petitioners have no bad antecedents. Injured has been discharged from the hospital. The petitioners are in custody from 7.11.2022. Hence, prays for granting bail.

4. Learned counsel for the petitioners in CrI.M.P.No.22995/2022 submits that they are innocent of the offence. They are no way connected with the alleged offence. Quarrel arose between A1 Ravi and Madhan who is accused in Crime No.324/2022. During heated argument between them, Madhan pushed down A1 Ravi on the road and he got injury on his head and admitted to Rasi Hospital. When the sons of Ravi (petitioners in CrI.M.P.No.22994/2022) came to the hospital, wordy quarrel arose between both the parties. At that time, the sons of Ravi attacked the said Madhan with knife and he sustained injury and admitted to hospital. Complaint has been lodged by the accused against the defacto complainant and others in Crime No.324/2022. The said Madhan is a murder case accused and currently he indulged in selling wine bottles in his area. The petitioners have no bad antecedents. There is no specific allegations as against these petitioners. Injured has been discharged from the hospital. The petitioners are in custody from 9.11.2022. Hence, prays for granting bail.

4. On the other hand, learned CPP submits that it is a case and counter case. Due to previous enmity, wordy quarrel arose between A1 Ravi and one Madhan (accused in Crime No.324/2022) During the course of wordy quarrel, Madhan pushed down A1 Ravi and due to which he sustained head injury and admitted to hospital for treatment. The petitioners in CrI.M.P.No.22994/2022 are sons of A1 Ravi. They went to hospital to see their father. There, again wordy quarrel arose between both the rival parties. In the melee, these petitioners attacked the defacto complainant and his uncle Madhan with knife. Due to which Madhan sustained grievous injury and admitted to hospital for treatment. However, he submits that injured were discharged from the hospital and that the petitioners have no bad antecedents.

5. It is reported by the CPP that injured has been discharged from the hospital. No previous case is reported against the petitioners. The petitioners are in custody for more than two weeks. Period for taking custodial interrogation is over. Substantial portion of investigation might have been completed by this time. Considering the above facts and the duration of custody, this court is inclined to grant bail to the petitioners on condition.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a likesum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.00 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners shall not abscond 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 above petitioners in accordance with law as if the conditions have been imposed and the above 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in the open Court.

S ALLI Digitally signed by
S ALLI
Date: 2022.11.24
16:48:10 +0530
Principal Sessions Judge

Copy to :

1. The XV Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal.

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