



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6491 of 2022

Padayappa

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Erumapatti Police Station,
Namakkal District.
(Crime No.670 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.670 of 2021 on the file of the Inspector of Police, Erumapatti Police Station, Namakkal District.

For Petitioner : Mr.S.Parameswaran

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A10, who was arrested on 07.01.2022 for the offences punishable under Sections 147, 148, 294(b), 324 & 307 of IPC in Crime No.670 of 2021, on the file of the respondent police, seeks bail.

2.The petitioner herein is arrayed as the tenth accused in a case of the above said offences. According to the prosecution, due to business rivalry in running a club between friend of the defacto complainant, Saravanan and one Veera Pandi @ Sivakumar, on 19.12.2021, there was physical altercation between the two groups in which, the defacto complainant and his friend Rajasekar had sustained cut injury over the knee and head. They were treated as in-patient for their injuries. The defacto complainant was discharged on 04.01.2022 and



the other injured victim Rajasekar got discharged on 12.01.2022. The petitioner herein was taken into the judicial custody on 07.01.2022 and still in prison till date.

3. Learned Additional Public Prosecutor appearing for the respondent states that this petitioner is history sheet holder and he is having several cases. If he is released on bail, there is every possibility of recurrence of crime whereas the learned counsel for the petitioner would submit that as far as this petitioner is concerned, his name is not found in the F.I.R and his name has been included only because he has bad antecedent and he is no way connected with the alleged crime.

4. Considering the fact that the victim has already been discharged and more than 80 days, the petitioner is in prison, this Court is of the view that the bail may be granted to the petitioner. Accordingly, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sendamangalam.

(b) 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;

(c) the petitioner is directed to stay at Karur and report before Karur Town Police Station daily at 10.30 a.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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];



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

WEB COPY

-sd/-
22/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SENDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ERUMAPATTI POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
KARUR TOWN POLICE STATION, KARUR

+1 CC to M/S.S.PARAMESWARAN Advocate on payment of necessary charges SR.NO.4293

CRL OP.6491/2022

Date :22/03/2022

JPA 22/03/2022