



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.05.2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

Cr1.OP.No.11018/2022

Bharathi

... Petitioner/A1

Vs

State represented by
The Inspector of Police
Nangavalli Police Station
Salem District

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.56 of 2022 on the file of the respondent police.

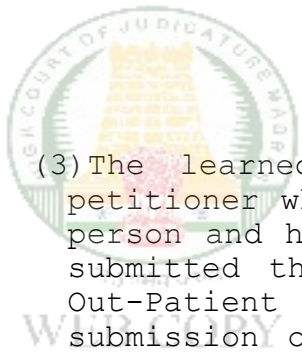
For Petitioner : Mr.K.Sathish

For Respondent : Mr.L.Baskaran
Government Advocate
[Cr1.Side]

ORDER

(1)The petitioner/A1, who was arrested and remanded to judicial custody on 12.04.2022 for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ 307 IPC in Crime No.56 of 2022 on the file of the respondent police, seeks bail.

(2)The case of the prosecution is that on 19.04.2022 a wordy quarrel arose between the accused persons and one Suriya with regard to hitting of the vehicle and the said issue was compromised by the defacto complainant and on the next day, i.e., on 20.04.2022, once again the accused persons went and quarreled with the said Suriya and when the complainant made an attempt to pacify them, the accused persons attacked the defacto complainant and his son, resulting in registration of the case.



(3) The learned counsel for the petitioner would submit that the petitioner who is arrayed as A1 out of four accused, is an innocent person and he is no way connected with the offence. It is further submitted that the injured defacto complainant was treated as an Out-Patient and is discharged from the hospital. It is also the submission of the learned counsel that the petitioner and others were also attacked by the complainant party and that a counter case was also given by the petitioner in Crime No.57 of 2022 against the defacto complainant. Learned counsel also submitted that the petitioner is under incarceration for a period of thirty days and prays for enlargement of the petitioner on bail.

(4) The learned Government Advocate (Crl.Side) appearing for the respondent would submit that totally there are four accused and the petitioner is arrayed as A1. Though the learned Government Advocate [Crl.Side] strongly opposes for grant of bail to the petitioner, he admits that the injured was discharged from the hospital on 30.04.2022. Learned Government Advocate [Crl.Side] also submits that the investigation is pending.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem, 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 petitioner shall report before the respondent police once in two weeks at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

-sd/-
11/05/2022

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,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.SATHISH Advocate on payment of necessary charges
SR.NO.6945

CRL OP.11018/2022

Date :11/05/2022

JPA 11/05/2022