



Crl.OP.No.21561 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21561 of 2022

1. Vigneswaran @ Vikki

2. Kalidass

... petitioners

Vs.

The State represented by,
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Crime No.890/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge/grant bail to the petitioners/accused Nos. 2 & 4 in Crime
No.890 of 2022 pending investigation before the file of the respondent
police.

For petitioners : Mr.M.Balaji

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.OP.No.21561 of 2022

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Sections 147, 148, 447, 294(b), 323, 324 and 307 of IPC, in Crime No.890 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that due to a dispute and enmity regarding parking of vehicles, the accused are stated to have formed unlawful assembly and assaulted the defacto complainant and his friend with Sword and Aruval causing grievous injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. He would also submit that the petitioners happened to be the friends of one Balamuruga/A1, other than that they have nothing to do with the alleged occurrence. Hence, he prays for grant of bail to the petitioners.



Crl.OP.No.21561 of 2022

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners and the defacto complainant are having disputes with regard to parking of vehicles. On the fateful day, the petitioners along with the other accused assaulted the defacto complainant and his friend with sword and Iron rods resulting in sustaining grievous injuries. He would also submit that the friend of the defacto complainant was discharged after 8 days and the defacto complainant was discharged only on 28.08.2022. He would further submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, learned counsel for the petitioners would submit that he is not pressing the application in respect of the 1st petitioner and in respect of the 2nd petitioner, the allegation against him is that he was standing near the place where the incident had happened and along with the other accused, he had abused the defacto complainant.

6. Heard both the learned counsel and perused the materials available on record.



CrI.OP.No.21561 of 2022

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7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that the allegation against the 2nd petitioner is that he was standing near the place of occurrence and along with the other accused, he had abused the defacto complainant, this Court is inclined to grant bail to the 2nd petitioner/A4 alone and in respect of the 1st petitioner, this Court is not inclined to grant bail to the first petitioner/A2. Accordingly, the 2nd petitioner/A4 is ordered to be released on bail on his executing 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-I, Tiruppur**, 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 their Aadhar card or Bank pass Book to ensure their identity;

[b] the 2nd petitioner/A4 shall stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, Madurai daily morning at 10.30 a.m., and evening at 05.30 p.m, until further orders;



CrI.OP.No.21561 of 2022

[c] the 2nd petitioner/A4 shall not abscond either during investigation or trial;

[d] the 2nd petitioner/A4 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 2nd petitioner/A4 in accordance with law as if the conditions have been imposed and the 2nd petitioner/A4 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.09.2022

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Crl.OP.No.21561 of 2022

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To

1. The Judicial Magistrate-I,
Tiruppur.
2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
3. The Inspector of Police,
Thallakulam Police Station,
Madurai.
4. The District Prison,
Tiruppur.
5. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.21561 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.21561 of 2022

07.09.2022