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Crl.O.P.No.21977 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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

Crl.O.P.No.21977 of 2022

Senthil Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valangaiman Police Station,
Valangaiman,
Thiruvavarur District.

(Crime No.488 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.488 of 2022 on the file of the respondent Police.

For Petitioner : Mr.D.Arun

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



Crl.O.P.No.21977 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 147, 148, 448, 294(b), 324, 307 & 506(ii) IPC, in Crime No.488 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to the dispute with regard to the construction of the house, the petitioner along with the other accused trespassed into the house of the de-facto complainant, had abused him in a filthy language and assaulted the de-facto complainant and his relatives with wooden log, caused bleeding injuries and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to the dispute with regard to the construction of house, a false complaint has been lodged against the petitioner. He would further submit that the co-accused in this case has been granted with bail in Crl.M.P.No.1367 of 2022 dated 15.09.2022. He would



Crl.O.P.No.21977 of 2022

also submit that the petitioner is in custody from 23.08.2022 and he is prepared to comply with any stringent condition imposed by this Court and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is arrayed as A1 and there exists a previous enmity between the petitioner and the de-facto complainant due to the construction of house, due to which the petitioner along with the other accused trespassed into the house of the de-facto complainant, abused him in a filthy language and assaulted the de-facto complainant and his relatives with wooden log and caused injuries. He would further submit that the injured have been discharged from the hospital on 28.08.2022. He would also submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



CrI.O.P.No.21977 of 2022

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact the injured have been discharged from the hospital, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner 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 District Munsif cum Judicial Magistrate, Valangaiman**, 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 petitioner shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, everyday 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;



Crl.O.P.No.21977 of 2022

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.09.2022

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To

1. The District Munsif cum Judicial Magistrate,
Valangaiman.
2. The Inspector of Police,
Valangaiman Police Station,
Valangaiman,
Thiruvarur District.
3. The District Prison,
Nagapattinam.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21977 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21977 of 2022

22.09.2022