



CrI.O.P.No.22559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

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

CrI.O.P.No.22559 of 2022

Vigneswaran @ Vikki

... Petitioner

Vs.

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

... Respondent

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

For Petitioner : Mr.M.Balaji

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Sections 147, 148, 447, 294(b), 323, 324 & 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 into 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 petitioner would submit that this is the second application for bail before this Court. He would also submit that the earlier application was dismissed on the ground that the injured was in the hospital. He would further submit that now the injured has been discharged from the hospital and the other accused have been either released on bail or anticipatory bail. Therefore, he prays for grant of bail to



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the petitioner.

4. Per contra, the learned Additional Public Prosecutor 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 them sustaining grievous injuries. He would also submit that the injured has been discharged from the hospital and that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and that the injured persons have been discharged from the hospital, this Court is inclined to grant bail to the



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 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 petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.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



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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.

19.09.2022

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To

1. The Judicial Magistrate,-II,
Tiruppur.
2. The Inspector of Police,
North Police Station,
Tiruppur.
3. The Superintendent,
District Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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