



CrI.O.P.No.22533 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.22533 of 2022

K.Thirunavukarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
Crime No.288 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in respect of Crime No.288 of 2022
on the file of the Inspector of Police, Avinashipalayam Police Station,
Tiruppur District.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Sections 294(b) & 307 of IPC, in Crime No.288 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a land dispute, the petitioner along with the other accused had abused the defacto complainant in a filthy language and assaulted him with wooden stick, resulting the defacto complainant sustaining injuries in his head, left index finger and little finger. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner is in custody from 05.08.2022. Therefore, he prays for grant of bail to the petitioner.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that due to a land dispute, the petitioner along with the other accused had abused the defacto complainant in filthy language and assaulted him with wooden stick, resulting the defacto complainant sustaining injuries in his head, left index finger and also little finger. He would further submit that the petitioners have got one previous case as against them. Therefore, 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, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on



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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, Palladam**, 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., 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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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