



Crl.O.P.No.22710 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.22710 of 2022

Muthukumar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Valparai Police Station,  
Coimbatore District.

(Crime No.152 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.152 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.N.Balakrishnan

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 294(b), 324, 506(2) & 307 of IPC, in Crime No.152 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 22.08.2022, due to the previous enmity, the petitioner in an inebriated condition had abused the de-facto complainant's father in a filthy language and assaulted him with aruval and due to which, he sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is in custody from 22.08.2022 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 there exists a previous enmity between the petitioner and the de-facto



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complainant family and due to which, the petitioner in an inebriated condition had abused the de-facto complainant's father in a filthy language and attacked him with aruval, due to which, he sustained injuries. He would also submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory 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.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone 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 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, Valparai**, and on further conditions that:



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[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 Erode and report before the Inspector of Police, Erode Town Police Station, everyday at 10.30 a.m. and 5.30p.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 can be registered under Section 229A IPC.

**20.09.2022**

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To

1. The Judicial Magistrate,  
Valparai.
2. The Inspector of Police,  
Valparai Police Station,  
Coimbatore District.
3. The Central Prison,  
Coimbatore.
4. The Inspector of Police,  
Erode Town Police Station,  
Erode.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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