



Crl.OP.Nos.24695 & 24697 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.10.2022**

**CORAM**

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

**Crl.O.P.Nos.24695 & 24697 of 2022**

Velu @ Velmurugan

... Petitioner in both Crl.O.P.Nos.

Vs.

State rep. By,  
The Inspector of Police,  
Roshanai Police Station,  
Villupuram District.

(Crime Nos.230 & 229 of 2022)

... Respondent in both Crl.O.P.Nos.

**PRAYER in Crl.O.P.No.24695 of 2022:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in Crime No.230 of 2022 on the file of the respondent.

**PRAYER in Crl.O.P.No.24697 of 2022:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in Crime No.229 of 2022 on the file of the respondent.



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In both Crl.O.P.Nos.

For Petitioner : Mr.A.Manikandan

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

### **COMMON ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.08.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) of IPC r/w 3 of TNPPDL Act in Crime No.230 of 2022 and for the offences under Sections 294 (b), 323, 324, 506(ii), 353 of IPC r/w 3 of TNPPDL Act on the file of the respondent Police, seeks bail.

2. The case of the Prosecution in Crl.O.P.No.24695 of 2022 as per the de-facto complainant, who is the victim's wife, is that the petitioner along with the other accused, due to previous enmity on account of the political dispute, have caused damaged to her house by pelting stones on it and abused the de-facto complainant's husband in a filthy language and also pushed him down and attacked him with concrete stone on his right leg, due to which, he sustained a fracture and also assaulted him with weapons,



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causing grievous injuries in his head and eye, due to which, he had suffered 13 sutures in his head. Hence, the case.

3. The case of the Prosecution in Crl.O.P.No.24697 of 2022 as per the de-facto complainant/Thiruvinnayaga Murugan, who is an Ambulance Driver, is that the petitioner along with the other accused assuming that he was taking injured to the hospital, waylaid the ambulance and abused him in a filthy language and assaulted the de-facto complainant and one Saranraj, causing injuries and also caused damage to the windshield of the ambulance by hitting it with iron rod. Hence, the case.

4. 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 further submit that due to political animosity, a false complaint has been lodged as against the petitioner and he would also state that the petitioner was only a member of the group and he has not assaulted the victim. He would also submit that the petitioner is in custody from 21.08.2022 and he is ready to abide by any stringent conditions that may be



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imposed by this Court. He would further submit that the co-accused has been granted with bail by the learned Principal Sessions Court, Villupuram in C.M.P.No.7926 of 2022 dated 12.10.2022 and the injured has also been discharged from the hospital. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the previous enmity on account of the political dispute, the petitioner along with the other accused pelted stones on the de-facto complainant's house and assaulted the de-facto complainant's husband with iron rod and caused severe injuries on his head. He would further submit that the accused have also waylaid the ambulance presuming that the injured was in the ambulance, caused damage to the ambulance and assaulted the ambulance driver and another. He would also submit that the injured has been discharged from the hospital and the two cases were registered on the same day and there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) for each crime number (Crime Nos.229 & 230 of 2022)** as cash security before the lower Court and on such deposit, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) for each crime number** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Tindivanam**, 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 report before the respondent Police, 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;

[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]**;



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[f] If the accused thereafter abscond, a fresh FIR  
can be registered under Section 229A IPC.

**14.10.2022**

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To

1. The Judicial Magistrate No.I,  
Tindivanam.
2. The Inspector of Police,  
Roshanai Police Station,  
Villupuram District.
3. The Central Prison (Men & Women),  
SH 138,  
Arisiperiyankuppam, Cuddalore 607 401.
4. The Public Prosecutor,  
High Court of Madras.



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

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