



Crl.O.P.No.25558 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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

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... Petitioner

Vs.

The State Rep.by
The Sub-Inspector of Police,
J-7 Velachery Police Station,
Chennai - 600 042.
in Cr.No.249/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.249
of 2022, on the file of the Sub-Inspector of Police, J-7 Velachery Police
Station, Chennai on such terms and conditions.

For Petitioner : Mr.N.Vijaya Basker

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 04.10.2022, for the offences punishable under Sections 147, 148, 336, 341, 427, 307 of IPC, in Crime No.249 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of enmity between two groups, on 04.05.2022, the petitioner along with the other accused had assaulted the defacto complainant's group during the funeral procession of one, Kalaiyaran, resulting in the defacto complainant and his friends sustaining injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since, he happens to be the friend of the other accused. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on account of enmity between two groups, the petitioner along with the other accused had assaulted the defacto complainant's group during the funeral procession of one Balaji, resulting in the defacto complainant and his friends sustaining injuries. He would also submit that there are two previous cases of similar nature as against the petitioner. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, in reply, learned counsel appearing for the petitioner would submit that it is the case and case in counter. He would also submit that even as per the prosecution, the allegation against the petitioner is that he had assaulted one of the members of the gang with cricket stump and other than that there is no allegation as against the petitioner. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



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

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that it is a case and case in counter, this Court is inclined to grant bail to the petitioner.

8. 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 XVIII Metropolitan Magistrate, Saidapet, Chennai**, 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 report before the



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**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 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.

19.10.2022

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1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Sub-Inspector of Police,
J-7 Velachery Police Station,
Chennai - 600 042.
3. The Sub Prison,
Saidapet, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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