



Crl.O.P.No.27260 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27260 of 2022

Abinesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellimedupettai Police Station,
Villupuram District.

(Crime No.80 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.80 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.S.Saravana Kumar

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 27.08.2022, for the offences punishable under Sections 147, 148, 326, and 307 of IPC, in Crime No.80 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity, the petitioner along with the other accused joined together, indiscriminately assaulted the de-facto complainant's son with iron rod and aruval, resulting in him sustaining grievous injuries. Hence, the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner are falsely implicated in this case. Earlier, when the the petitioner's wife objected the de-facto complainant's son/victim in causing disturbance by playing sounds in high volume, the victim picked up a quarrel with her and used abusive language and when it was questioned by the petitioner, the victim attacked the petitioner, in return there was a scuffle between them. Since the petitioner has got some previous cases, the



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present case is projected against him and he is in custody from 27.08.2022.

He also submitted that the petitioner granted bail in all other previous cases by the learned Principal Sessions Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner along with the other accused joined together and indiscriminately assaulted the de-facto complainant's son with iron rod and aruval, resulting in him sustaining grievous injuries. He also submitted that as far as the petitioner is concerned, he is a rowdy element having 7 previous cases and the occurrence is said to have taken place during the month of May 2022, the petitioner has been arrested with great difficulty on 27.08.2022. He also submitted that the investigation is still pending and hence, he opposed for grant of bail to the petitioner.

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



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner has been granted bail in all other cases 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 ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Tindivanam**, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

[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;



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[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.

08.11.2022

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To

1. The Judicial Magistrate I, Tindivanam.
2. The Inspector of Police,
Vellimedupettai Police Station,
Villupuram District.
3. The Central Prison ,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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