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Crl.O.P.No.26461 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26461 of 2022

David

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Paradarami Police Station,  
Paradarami, Vellore District.

(Crime No.149/2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in connection with the Crime No.149  
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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 07.10.2022 for the offences punishable under Sections 341, 294(b), 323, 324 & 307 IPC, in Crime No.149 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, due to previous enmity abused the de-facto complainant in a filthy language and assaulted him and his friend with a wooden log, due to which, they sustained grievous 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 further submit that in fact the de-facto complainant and his friend have abused and assaulted the petitioner in respect of which, a case has been registered in Crime No.150 of 2022 for the offences under Sections 294 (b), 323, 324 of IPC r/w 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, on the complaint given by the petitioner and it is a case in counter. Hence, 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 it is a case and a case in counter. He would further submit that due to previous enmity, the petitioner abused the de-facto complainant with filthy language and also assaulted him and his friend with wooden logs and caused grievous injuries. He would further submit that there is a case in counter in Crime No.150 of 2022 and he oppose 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.

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



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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, Gudiyatham**, 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, every day at 10.30a.m. and 5.30p.m., until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**  
**[(2005)AIR SCW 5560];**

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

**01.11.2022**

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To

1. The Judicial Magistrate,  
Gudiyatham.
2. The Inspector of Police,  
Paradarami Police Station,  
Vellore District.
3. The Central Prison,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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

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