



Crl.O.P.No.27657 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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

**Crl.O.P.No.27657 of 2022**

P.Selvam

... Petitioner

Vs.

The State of Tamil Nadu,  
Represented by,  
The Inspector of Police,  
Valathy Police Station,  
Villupuram District.

(Crime No.275 of 2022)

... Respondent

**Prayer:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail pending investigation in Crime  
No.275 of 2022 on the file of the respondent Police.

For Petitioner : Mr.D.Raghu

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

For Intervener : Mr.Abdul Rahman



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.09.2022, for the offences punishable under Sections 294(b) & 307 IPC @ 147, 148, 294(b), 323, 324 & 307 of IPC, in Crime No.275 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.09.2022, due to the previous dispute on account of running a TASMAL Bar, the petitioner along with the other accused joined together and waylaid the de-facto complainant and one Amid, by abusing them in a filthy language, assaulted the de-facto complainant with aruval, due to which, he sustained head injuries. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the previous enmity, a false complaint has been given against him. He further submitted that one of the accused A2 has been detained under Act 14 and also stated that the injured has been discharged from the hospital and the petitioner is in custody from



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18.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.25593 of 2022 dated 20.10.2022 and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is arrayed as A1 in this case. He further submitted that on account of the previous enmity regarding the Tasmac tender, the petitioner along with other accused assaulted the de-facto complainant with aruval, due to which, he sustained head injuries. He also submitted that the petitioner is the person who has assaulted the victim the injured has been discharged from the hospital on 22.09.2022. He also stated that three previous cases registered for the offences under Prohibition Act are pending as against the petitioner. However, he opposed for grant of bail to the petitioner.

5. The learned counsel for the Intervener submitted that it is the case where the offence has been committed on account of the previous enmity



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and the accused have waylaid the de-facto complainant and by abusing him in a filthy language, had assaulted the de-facto complainant with a ruval, due to which, he sustained head injuries. He also submitted that the accused have executed the act in a preplanned manner, hence, he opposed for grant of bail to the petitioner.

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

7. 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.

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



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**the learned Judicial Magistrate, Gingee, 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 at Virudhunagar and report before the Inspector of Police, Virudhunagar Town Police Station, everyday at 10.30a.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];**



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

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To

1. The Judicial Magistrate, Gingee.
2. The Inspector of Police,  
Valathy Police Station,  
Villupuram District.
3. The Central Prison,  
Cuddalore.
4. The Inspector of Police,  
Virudhunagar Town Police Station,  
Virudhunagar.
5. The Public Prosecutor,  
High Court of Madras.



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

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