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CrI.O.P.No.27842 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.27842 of 2022

Perumal

... Petitioner

Vs.

State rep. by,
The Sub Inspector of Police,
Mappedu Police Station,
Thiruvallur District.
(Crime No.266 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.266 of 2022 on the file of respondent police.

For Petitioner : Mr.Mohamed Riyaz for
Mr.R.Sasikumar

For Intervenor : Mr.Sarath Chandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.09.2022 for the offences punishable under Sections 147, 148, 294(b), 324 & 307 of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.266 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Sakthivel is that there was a dispute between the *de-facto* complainant and the accused. Due to which, the administrators of the temple have excommunicated the *de-facto* complainant's family and refused to stop the temple car in front of his house and when it was questioned, the accused have assaulted the *de-facto* complainant and his brother with knife, iron rods and wooden log resulting in the *de-facto* complainant and his brother sustaining grievous injuries on the head. Hence, the case

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and the incident had happened during the temple festival. The petitioner while taking the temple car through the street



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of the *de-facto* complainant, the *de-facto* complainant and his brother stopped the temple car, quarrelled with the petitioner and assaulted the petitioner. The incident had happened only as a retaliation. He would submit that this is the 2nd petition for bail and the earlier petition of the petitioner in Crl.O.P.No.25828 of 2022 was dismissed as withdrawn on 02.11.2022 since the victims were not discharged from the hospital. The victims were discharged from hospital on 08.11.2022 and the petition is renewed after discharge of the *de-facto* complainant and his brother. He would further submit that the petitioner is in custody from 30.09.2022 and the petitioner is ready to abide by any stringent condition that may be imposed by this Court and thereby he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the incident had happened while the temple car was passing through the street of the *de-facto* complainant, the accused have refused to stop the temple car in front of the *de-facto* complainant's house. Due to which, there was a quarrel. The petitioner and party had assaulted the *de-facto* complainant and his brother with deadly weapons resulting in the *de-facto* complainant and his brother sustaining grievous injuries.



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Originally, the *de-facto* complainant and his brother were discharged from the hospital. Since the one of the victim, the *de-facto* complainant's brother had developed some complications, once again he was taken to Chengalpattu Government Medical College Hospital. He would further submit that the report of the Doctor is also available and he would vehemently oppose to grant bail to the petitioner.

5. The learned counsel for the intervenor vehemently opposed stating that Babu, brother of the *de-facto* complainant sustained grievous injuries on fore head and his frontal bone was fractured. He was discharged from the hospital on 08.11.2022. Subsequently, since he had developed complications, he was referred to Chengalpattu Medical College Hospital and he is now under treatment.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. The learned Government Advocate (Crl.side) produced case



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summary of the injured. Reading of the case summary shows that the injured was admitted to dermatology ward on 14.11.2022 for severe Cutaneous Adverse Drug Reaction to Phenytoin (SJS/TEN Overlap).

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

9. 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 **learned Judicial Magistrate No.II, Thiruvallur** 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 Madurai and



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report before the Inspector of Police, Othakkadai Police Station 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]*;

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

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mpl



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To

1. The Judicial Magistrate No.II, Thiruvallur.
2. The Sub Inspector of Police,
Mappedu Police Station,
Thiruvallur District.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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