



Crl.O.P.No.28072 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

Crl.O.P.No.28072 of 2022

1. Sakthivel

2. Hariharan

3. Ramesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvavarur District.

(Crime No.168 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.168 of 2022 on the file of the respondent Police.

For Petitioners : Mr.J.Jawahar

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



Crl.O.P.No.28072 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.10.2022, for the offences punishable under Sections 341, 147, 148, 294(b), 324, 307, 436, 452, 427 & 506(ii) of IPC, in Crime No.168 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/victim is that the de-facto complainant's brother got married the daughter of A7/third petitioner herein against the wishes of the family of A7. Thereby, enraged by the same, on 24.10.2022, the accused have joint together and waylaid the de-facto complainant and by abusing him in a filthy language, assaulted him with knife, resulting in him sustaining grievous cut injuries and threatened with dire consequences. Thereafter, they had trespassed into the de-facto complainant's house and caused damage to the house hold articles and electrical items. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and a false complaint has been given against



Crl.O.P.No.28072 of 2022

them, due to the existing family dispute regarding the marriage of de-facto complainant's brother and the daughter of the third petitioner. He also submitted that the injured has been discharged from the hospital on 10.11.2022 and subsequently, compromise talks are going between the parties. He also stated that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that due to the existing family dispute, the accused have joint together and waylaid the de-facto complainant and by abusing him in a filthy language, assaulted him with knife, resulting in him sustaining grievous cut injuries and threatened with dire consequences. He further submitted that the accused had also trespassed into the house of the de-facto complainant and caused damage to the house hold articles and electrical items. He also stated that there is no previous case as against the petitioners, however, he opposed for grant of bail to the petitioners.



Crl.O.P.No.28072 of 2022

5. Heard the learned counsel for the petitioners 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 petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 No.II, Mannargudi** 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;



CrI.O.P.No.28072 of 2022

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

16.11.2022

ham



CrI.O.P.No.28072 of 2022

WEB COPY

To

1. The Judicial Magistrate No.II,
Mannargudi.
2. The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
3. The District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28072 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.28072 of 2022

16.11.2022