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CrI.O.P.No.28377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

CrI.O.P.No.28377 of 2022

1. Raman
2. Lakshmanan
3. Bala @ Subramaniyan
4. Rajesh
5. Arun @ Arunkumar
6. Duraiyarasan

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur Taluk & District.

(Crime No.266 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.266 of 2022 on the file of respondent police.



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For Petitioners : Mr.T.R.Shanmugam
For Intervener : Mr.S.Nedunchezhiyan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.11.2022 for the offences punishable under Sections 147, 148, 294(b), 324 & 307 of IPC r/w 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, seek 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



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3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and the incident had happened during the temple festival. He further submitted that the petitioners while taking the temple car through the street of the *de-facto* complainant, the *de-facto* complainant and his brother stopped the temple car, quarrelled with the petitioners and assaulted the petitioners. He also stated that the incident had happened only as a retaliation and the victims were discharged from hospital on 08.11.2022. He further submitted that the petitioners are in custody from 04.11.2022 and the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and thereby, he seeks for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the respondent submitted 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. He further submitted that the petitioners and party had assaulted the *de-facto* complainant and his brother with deadly weapons resulting in the *de-facto* complainant and his brother sustaining



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grievous injuries. He also stated that originally, the *de-facto* complainant and his brother were discharged from the hospital and since, the *de-facto* complainant's brother had developed some complications, once again he was taken to Chengalpattu Government Medical College Hospital. He further stated that the report of the Doctor is also available and he vehemently opposed to grant bail to the petitioners.

5. 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 and he was discharged from the hospital on 08.11.2022. He further stated that subsequently, since he had developed some complications, he was referred to Chengalpattu Medical College Hospital and he is now under treatment.

6. Learned Government Advocate (Crl.side) produced case 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).



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7. Heard both the learned counsel for the petitioners and the intervener and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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

9. 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 **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;



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[b] the petitioners shall stay at Madurai and report before the Inspector of Police, Othakkadai Police Station 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.

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To

1. The Judicial Magistrate No.II,
Thiruvallur.
2. The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur Taluk & District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Othakkadai Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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