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Crl.O.P.No.28367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

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

Crl.O.P.No. 28367 of 2022

Ayyamperumal

... Petitioner

Vs.

State rep.by its,
The Station House Officer,
Sankarapuram Police Station,
Kallakkurichi District.

(Crime No.448 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.448 of 2022 on the file of respondent police.

For Petitioner : Mr.S.Ramachandran

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 12.10.2022 for the offences punishable under Sections 147, 148, 294(b), 342, 324, 506(ii) & 307 of IPC in Crime No.448 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Thirumalai is that his brother-in-law had an illicit intimacy with A1 Mahalakshmi and that on the request on his sister, he had gone to the house of A1 to bring back his brother-in-law and reprimanded A1 and due to which, on 12.10.2022, A1 along with other accused, by sprinkling chilli powder on the face of the de-facto complainant, assaulted him with iron rod and wooden log, causing grievous injuries. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the relative of A1. He further submitted that there was a previous enmity between the A1 and the de-facto complainant's



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family, and even as per the First Information Report, the allegation against the petitioner is that he caught hold of the de-facto complainant. He also stated that the fact remains is that the petitioner had intervened to pacify the quarrel, whereas, he has been falsely implicated in this case and he is in custody from 12.10.2022. Hence he prays to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is arrayed as A7 in this case, along with other accused, by sprinkling chilli powder on the face of the de-facto complainant, assaulted him with iron rod and wooden log, causing grievous injuries. Hence, he opposed to grant 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 the circumstances of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner also considering the



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allegation as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Sankarapuram** 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 daily 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



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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.

18.11.2022

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To

1. The Judicial Magistrate,
Sankarapuram.
2. The Station House Officer,
Sankarapuram Police Station,
Kallakkurichi District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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