



Crl.O.P.No.30766 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30766 of 2022

Sivamani,
S/o. Ekambaram
Petitioner

...

Vs.

State Rep. by
The Inspector of Police,
Vellore North Police Station,
Vellore Dt.
(Crime No.313 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.313 of 2022 on the file of respondent police.

For Petitioner : Ms.S.P.Arthi

For Respondent : Mr.S.Vinoth Kumar,



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Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offence punishable under Sections 294(b), 307, 506(ii) I.P.C. altered into Sec.294(b), 307, 506(ii) of I.P.C. and Sec. 4 of Women Harassment Act in Crime No.313 of 2022, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused eve-teased the defacto complainant's wife and the same was questioned by him, thereby there was a wordy quarrel between them, due to which, the petitioner said to have abused him with filthy language and assaulted him with knife on the head and also threatened with dire consequences, thereby he sustained grievous injuries. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the



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occurrence between the groups. He would submit that he has been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital and he is in custody for more than 18 days from 24.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are two accused and there are seven previous cases pending against the petitioner. He would submit that the petitioner and other accused eve-teased his wife, due to which, there is a wordy quarrel between them, in which, the petitioner along with other accused said to have attacked the defacto complainant and got injured. He would submit that the injured was discharged from the hospital and the investigation is almost completed. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the injured discharged from the hospital, and the investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is



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inclined to grant bail to the petitioner subject to the following conditions:

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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-IV, Vellore** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Karur and report before the Town Police Station, Karur daily at 10.30 a.m. for the period of two months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;



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(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.12.2022

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To

- 1.The Judicial Magistrate-IV,
Vellore.
- 2.The Inspector of Police,
Vellore North Police Station,
Vellore Dt.
- 3.The Superintendent,
Central Prison, Vellore.



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4. The Public Prosecutor,
High Court of Madras,
Chennai.

T.V.THAMILSELVI, J.

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