



Crl.O.P.No.31133 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2022

CORAM :

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

Crl.O.P.No.31133 of 2022

Ranjithkumar,
S/o.Shanmugam

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Alangayam Police Station,
Thirupathur Dt.
(Crime No.170 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.170 of 2022 pending on the file of respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 31.10.2022 for the alleged offence under Sections 294(b), 323, 324, 307, 506(ii) of I.P.C. and subsequently altered into Sec.294(b), 323, 324, 307, 506(ii), 302 I.P.C. in Crime No.170 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner and the defacto complainant are adjacent land owners and due to a pathway dispute, there was a wordy quarrel between them, thereby the petitioner and other accused said to have abused the defacto complainant in filthy language and assaulted his wife and his sister with knife on head and hand, in which, defacto complainant's wife sustained grievous injures and subsequently, she died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that it is case in counter. He would submit that earlier, the petitioner was attacked by the defacto complainant, and he gave a complaint, which was



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registered in Crime No.171 of 2022, as a counterblast, the present complaint has been filed. He would submit that he is no way connected with the offence and he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration for more than 46 days from 31.10.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that totally, there are four accused and the petitioner is arrayed as A3 and it is a case in counter. He would submit that A1 and A2 were arrested and they were released on bail. He would submit that the specific overtact against this petitioner is that on the date of occurrence, he also attacked her with knife on the head of deceased. He would submit that now the investigation is also completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. However, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also the fact the investigation almost completed and considering the nature of



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offence committed by the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 No.II, Thiruppathur**, 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 report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter on every Saturday at 10.30 a.m. for another period of three 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.

16.12.2022

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To

1. The Judicial Magistrate No.II, Thiruppathur.
2. Inspector of Police,
Alangayam Police Station, Thirupathur Dt.
3. The Superintendent of Prison,
Central Prison, Vellore,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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