

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2022

CORAM :

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

Crl.O.P.No.31413 of 2022

1. Vetrivel,
S/o. Raja

2. Sethu @ Assault,
S/o. Sekar

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri Dt.
(Crime No.206 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.206 of 2022 on the file of respondent police.

For Petitioners : Mr.M.P.Saravanan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.11.2022 for the alleged offence punishable under Sections 147, 148, 448, 294(b), 323, 324, 363, 506(ii), 307 of I.P.C. in Crime No.206 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 07.11.2022, the petitioners along with other accused have trespassed into the house of defacto complainant and abused him in filthy language and also caused injury to him by way of attack, when the same was restrained by father and mother of defacto complainant, they were also threatened by them . Thereafter, they took the defacto complainant to a Paaparapatti burial ground, wherein they attacked him with knife on the left side of forehead, and also left his little finger in the attack. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that due to previous enmity, in order to wreck vengeance, the defacto complainant gave a false complaint. He would submit that the petitioners are innocent persons and they are no way connected with the occurrence.

He would submit that they have been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital and they are in custody for more than 29 days from 21.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are 10 accused involved in this case and the petitioners are arrayed as A9 and A10. He would submit that the petitioners along with other accused trespassed into the house of defacto complainant and assaulted him with knife, in which the defacto complainant sustained injuries. He would submit that anticipatory bail was granted to A1 and now the injured was discharged from the hospital and the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

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 petitioners, this Court is

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

6. Accordingly, the petitioners are 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 District Judicial Magistrate-II, Krishnagiri** 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 petitioners shall report before the respondent police daily at 10.30 a.m. for the period of two months.

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

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

(e) the petitioners 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 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];

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

21.12.2022

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To

- 1.The District Judicial Magistrate-II,
Krishnagiri.
- 2.The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri Dt.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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T.V.THAMILSELVI, J.

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