



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

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

Crl.O.P.No.31898 of 2022

L.Dhairiyanathan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Thirunavaloor Police Station,
Villupuram.
(Crime No.512 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.512 of 2022 on the file of the respondent police.

For petitioner : Mr.K.Purushothaman

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.11.2022 for the offence under Sections 147, 148, 448, 294(b), 323, 307,



2. The case of the prosecution is that A1 and A2, who are sons of A3 arrived at Thirunavalur, who were belong to Chennai went to attend the wedding of daughter of A3 on 31.10.2022, thereby A1 along with his friends including two ladies said to have arrived in an auto and allegedly administered intoxicating drinks and carried out unwanted activities on the date of occurrence. When the same questioned by the defacto complainant, there arose a wordy quarrel between them and returned back to Chennai. As the petitioner was insulted in front of women, he along with other accused again went to the defacto complainant's house and brutally attacked him, thereby he sustained grievous injuries. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that investigation is almost completed and the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that there are totally seven accused in this case and co-accused was released on bail. He would further submit that investigation is completed and the injured has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts that investigation is completed, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.7500/- to the credit of Crime No.512 of 2022** and on such deposit, the petitioner is ordered to be released on bail on his executing 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, Ulundurpet**, 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 stay at Ramanathapuram District and report before the Town Police Station, Ramanathapuram, at 10.30 a.m daily for the period of eight weeks.

[c] each of the defacto complainants are permitted to withdraw the deposit amount of Rs.7500/- on proper identification and acknowledgment.

[d]the petitioner shall not tamper with evidence or witness during trial;

[e]the petitioner shall not abscond during investigation/trial;

[f]on breach of any of the aforesaid conditions, the learned 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]*; and;

[g]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The Judicial Magistrate No.II, Ulundurpet.
- 2.The Inspector of Police,
Thirunavaloor Police Station,
Villupuram.
- 3.The Sub-Jail, Ulundurpet.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.
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