



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.31832 of 2022

Murugesan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Eravancherry Police Station,
Thiruvarur District.
(Crime No.215 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.215 of 2022 on the file of the respondent police.

For petitioner : Mr.T.Muruganantham

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.12.2022 for the offence under Sections 294(b), 323, 506(ii) and 307 IPC in Crime No.215 of 2022, on the file of the respondent police seeks bail.



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2. The case of the prosecution is that there was a land dispute between the petitioner and the defacto complainant, due to which a wordy quarrel arose between them thereby the petitioner abused the defacto complainant in filthy language and attacked with knife. 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 the petitioner has no previous case against him and he is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are neighbors and due to land dispute between them the petitioner abused the defacto complainant in filthy language and attacked by using knife thereby the defacto complainant sustained injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioner.



5. Considering the facts and circumstances and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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, Nanilam, 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 on every Saturday at 10.30 a.m., for a period of six months and thereafter, appear before the respondent police as and when required for interrogation.

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

[d]the petitioner shall not abscond during investigation/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 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;

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[f]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, Nanilam.
- 2.The Inspector of Police,
Eravancherry Police Station,
Thiruvarur District.
- 3.The Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI,J.



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