



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
DATED : 05.12.2022

PRESENT

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 21321 of 2022

Siva @ Navin Siva

... Petitioner/Petitioner/
Sole Accused

Vs.

The State represented by,
The Inspector of Police,
Senthamaram Police Station,
Tenkasi District.

Crime No. 327 of 2022)

... Respondent/Respondent
Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 327 of 2022, on the file of the respondent police.

For Petitioner : Mr.P.Aju Tagore, Advocate

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 28.10.2022 for the offences punishable under Sections 294(b), 324, 506(ii) @ 294(b), 324, 506(ii) and 307 IPC in Crime No. 327 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Pasupathiraja is that there was a previous enmity between the defacto complainant and the petitioner. Whiles, on 24.10.2022, the petitioner has abused the defacto complainant in filthy language and also assaulted him with aruval and thereby, he had sustained injuries in his hand. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that this is the second bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.21457 of 2022 was dismissed by this Court, on 08.11.2022. There was a previous enmity between the petitioner and the defacto complainant and that a false complaint has been given against the petitioner. He would submit that the injured has been



discharged from the hospital. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and charge sheet has been filed before the learned Judicial Magistrate, Tenkasi, on 02.12.2022. It is not taken on file so far. He would further submit that the injured has been discharged from the hospital and there is no previous case is pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 28.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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, Tenkasi, and on further conditions that:

(b) 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;

(c) the petitioner shall report before the learned Judicial Magistrate, Tenkasi, everyday at 10.30 a.m., for a period of 3 weeks thereafter, as and when required.

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

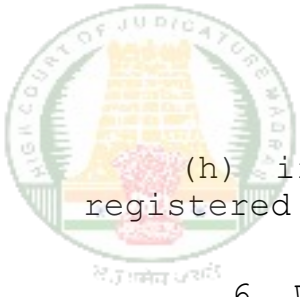
(e) the petitioner shall not abscond either during investigation or trial;

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

(g) 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 55601;

<https://www.mhc.tn.gov.in/judis>



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

6. With the above directions, this Criminal Original Petition is ordered.

sd/-
05/12/2022

/ TRUE COPY /

05/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
SENTHAMARAM POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJU TAGORE P Advocate SR.No.14337

**ORDER
IN**

CRL OP(MD) No.21321 of 2022
Date :05/12/2022

dss
SA/vr/SAR.4/05.12.2022/3P/7C