



Crl.O.P.No.570 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2023

CORAM :

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

Crl.O.P.No.570 of 2023

Subash,
S/o.Prakash

... Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Ammamet Police Station,
Salem City.
(Crime No.668 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.668 of 2022 pending on the file of respondent police.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.12.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307 of I.P.C. in Crime No.668 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 25.12.2022, due to previous enmity, the petitioner along with other accused said to have went to defacto complainant's shop, who is running a mutton stall, and assaulted one Vengatesh, nephew of defacto complainant. When he interfered to pacify the scuffle between them, he was assaulted with knife, thereby he sustained injury on the forehead and left cheek and also assaulted with stones and threatened him with dire consequences. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he



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has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 15 days from 26.12.2022 and now injured discharged from the hospital. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 6 accused involved in this case and the petitioner is arrayed as A1. He would submit that due to previous enmity, there was a wordy quarrel between the defacto complainant and the petitioner, thereby the petitioner along with other accused assaulted his nephew and when he pacify the scuffle between them, they assaulted him also, thereby, he sustained simple injury and subsequently after treatment, he was discharged from the hospital. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also the fact that the injured discharged from the hospital and the investigation almost completed and also 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-V, Salem**, 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 on every Tuesday and Saturday at 10.30 a.m. for the period of eight weeks;

(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.

11.01.2023

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To

1. The Judicial Magistrate-V, Salem.
2. Sub-Inspector of Police,
Ammamet Police Station, Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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