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CrI.O.P.No.949 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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

CrI.O.P.No.949 of 2023

N.Prem

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ammamet Police Station,
Salem District.

(Crime No.668 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.668 of 2022
pending on the file of the respondent.

For Petitioner : Mr.S.Panneer Selvan

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



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ORDER

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

2. The case of the prosecution is that the accused have entered into the de-facto complainant's mutton stall and assaulted one Venkatesh, who is the relative of the de-facto complainant, with hands and legs. The further allegation is that when the de-facto complainant intervened, the accused abused him and also assaulted with knife and stone, causing grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence and also stated that there is a case in counter registered as against one Venkatesh in Crime No.669 of 2022. He also submitted that the



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petitioner is in custody from 26.12.2022 and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the previous enmity, the petitioner (A7) along with the other accused, assaulted the relative of the de-facto complainant in his mutton stall and when he intervened, the accused have also assaulted the de-facto complainant with knife and stones, causing grievous injuries. He further submitted that the injured have been discharged from the hospital and no previous case is pending as against this petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit a considerable amount to the credit of the crime number. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the



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materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.10,000/- to the credit of the Crime No.668 of 2022, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 No.V, Salem**, and on further conditions that:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.668 of 2022 before the learned Judicial Magistrate No.V, Salem, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;



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[b] 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;

[c] the petitioner shall report before the respondent Police on every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial;

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.01.2023

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T.V.THAMILSELVI,J.

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To

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

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