



Crl.O.P.No.1020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2023

CORAM :

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

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Akash,
S/o.Dhanapal

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvarur Dt.
(Crime No.139 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.139 of 2022 pending on the file of respondent police.

For Petitioner : Mr.Swami Subramanian
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 03.12.2022 for the alleged offence under Sections 342, 294(b), 324, 506(ii) and 307 I.P.C. in Crime No.139 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant and the petitioner are belong to same village and on 02.12.2022, at about 09.30 p.m., due to previous enmity, the petitioner along with other accused scolded the defacto complainant in filthy language and also assaulted him with wooden log and aruval, thereby criminally intimidated him, in which the defacto complainant sustained injuries. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and 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 due to previous enmity,



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he has been falsely implicated in this case and he will abide by any condition 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 46 days from 03.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that the petitioner is arrayed as A2. He would submit that due to previous enmity, both were attacked each other, in which, defacto complainant sustained grievous injuries and subsequently he was discharged from the hospital. He would submit that the petitioner is having two previous cases. 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.

5. Considering the above facts and circumstances, and also considering the fact that the injured discharged from the hospital and also the fact that the investigation almost completed and also considering the



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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 **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) into the credit of Crime No.139 of 2022 and the defacto complainant is permitted to withdraw the said amount** and on such deposit, 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 No.I, Mannargudi, Thiruvarur Dt.**, 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 daily at 10.30 a.m. for the period of eight weeks;

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



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(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 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.

19.01.2023

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To

1. The Judicial Magistrate No.I, Mannargudi, Thiruvarur Dt.
2. Inspector of Police,
Mannargudi Taluk Police Station, Thiruvarur Dt.
3. The Superintendent of Prison,
Sub-Jail, Mannargudi,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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