



Crl.O.P.No.1914 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

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

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1. Sengottaiyan,
S/o. Selvaraj
2. Dhanasekar,
S/o. Govindaraj
3. Senthuraipandiyan,
S/o. Selvaraj

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi Dt.
(Crime No.10 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.10 of 2023 on the file of respondent police.



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For Petitioners : Mr.A.Gowtham
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307 of I.P.C. in Crime No.10 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the defacto complainant driving the vehicle carrying sugarcane near Kolathur X Road, at that time, the petitioner along with other accused intercepted him and interacted with him, however, there was a quarrel between them, thereby both have attacked each other by mentioning caste name. Hence, the complaint.

3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the occurrence. He would submit that



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earlier, the petitioners were attacked by the defacto complainant and they gave a complaint, which was registered in Crime No.11 of 2023, as a counterblast, the present complaint has been filed. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 21 days from 08.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are five accused involved in this case and the petitioners are arrayed as A1 to A3. He would submit that there was a quarrel between petitioners and defacto complainant, thereby both attacked each other, in which, the defacto complainant sustained injuries and subsequently he discharged from the hospital. He would submit that it is a case in counter and no previous case pending against them. He would also submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering fact that the investigation is almost completed, and the fact that it is a case in counter and no previous case pending against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds 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, Sankarapuram*, 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 petitioners shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of six weeks.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

30.01.2023

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To

- 1.The Judicial Magistrate, Sankarapuram.
- 2.The Inspector of Police,
Sankarapuram Police Station, Kallakurichi Dt.
- 3.The Superintendent of Prison,
Sub-Jail, Kallakurichi.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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