



Crl.O.P.No.1822 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2023

CORAM :

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

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1. Manjaivalli,
S/o. Mariyappan
2. Kasi @ Kasikumar,
S/o. Kannaiyan Kuppan
3. Subramani,
S/o. Arumugam
4. Selvam,
S/o. Jayapal
5. Vinoth,
S/o. Rosi

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Thirupalaivanam Police Station,
Thiuvallur Dt.
(Crime No.5 of 2023)

.. Respondent



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PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.5 of 2023 on the file of respondent police.

For Petitioners	:	Mr.R.Sasikumar
For Respondent	:	Mr.S.Vinoth Kumar Govt. Advocate (Crl. Side)
For Intervenor	:	Mr.S.Senthilvel

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 147, 148, 188, 441, 324, 506(ii), 307 of I.P.C. in Crime No.5 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 07.01.2023 around 05.00 p.m., as there is a prohibition order passed by RDO for fishing in Pazhaverkadu lake and also there is an enmity between both the groups regarding fishing in lake, on the date of occurrence, when the petitioners along with other accused were fishing in the said lake, which was questioned by the defacto complainant's group, thereby there was a



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wordy quarrel, in which both groups assaulted each other with knife, spears, logs, stones, due to which, 10 persons sustained severe injuries and they were admitted in hospital for treatment. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that both the petitioners and defacto complainant are belonging to fishermen community, however, the defacto complainant and his family members created problem and they assaulted the petitioners, due to which there was a wordy quarrel between both of them. Accordingly, all the village people are implicated as accused in this case. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose and co-accused was granted anticipatory bail by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 28 days from 08.01.2023. Hence, he prayed to grant bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 62 accused involved in this case. He would submit that due to some misunderstanding and having dispute over fishing in the lake, there was a wordy quarrel between the petitioners along with other accused and the defacto complainant groups, thereby both the groups abused each other and also assaulted them, in which, some of persons sustained grievous injuries and they were admitted in the hospital for treatment and subsequently, they were discharged from the hospital. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and on the date of occurrence, there was a wordy quarrel in respect of fishing in Pazhaverkadu lake between two groups, thereby both groups attacked each other, due to which, some of persons sustained injuries and subsequently, after treatment, they were discharged from the hospital and



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also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ponneri**, 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 petitioners shall stay at Tiruvallur District and report before the Town Police Station, Tiruvallur daily at 10.30 a.m. for period of two weeks;

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

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



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(e) the petitioners 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 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];

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

06.02.2023

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To

1. The Judicial Magistrate No.II,
Ponneri.
2. Inspector of Police,
Thirupalaivanam Police Station,
Thiruvallur Dt.
3. The Superintendent of Prison,
Sub-Jail, Ponneri.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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