



Crl.O.P.No.2529 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2023

CORAM :

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

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1. John Melquire,
S/o. Samuvel

2. Raymad @ Anthony Raymand,
S/o. Anthoniraj

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Elavarasoorkottai Police Station,
Villupuram.
(Crime No.313 of 2022)

.. 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.313 of 2022 on the file of respondent police.

For Petitioners : Mr.M.Prakash

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324 and 307 of I.P.C. in Crime No.313 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to a money dispute, there was a wordy quarrel between petitioners along with other accused and the defacto complainant, thereby, on the date of occurrence, they intercepted him and attacked him with stone and wooden stick, in which, the defacto complainant sustained injuries and he was admitted in hospital for treatment. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners and defacto complainant are friends. As there was a previous enmity between A1 and the defacto complainant, frequently they used to fight with each other in view of demanding money. Whenever the dispute arose, the petitioners said to have supported A1 and they would compromise each other. However, on the date of occurrence, they have



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not attempted to cause any injury to him. 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. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 44 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 as against 1st petitioner, he was detained under Goondas Act. Totally, there are 7 accused involved in this case and the petitioners are arrayed as A3 and A5. He would submit that there are 6 previous cases pending as against 2nd petitioner. He would submit that on the date of occurrence, due to money dispute, there was a wordy quarrel between petitioners and the defacto complainant, thereby they attacked him with stone and wooden stick, in which, he sustained grievous injuries and he was admitted in hospital and subsequently, he was discharged from the hospital. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the



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investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. So far as 1st petitioner is concerned, as he was detained under Act 14 of 1982, this Criminal Original Petition is dismissed as against the 1st petitioner.

6. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and the fact that the injured discharged from the hospital and on considering the period of incarceration undergone by the 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) in Crime No.313 of 2022 before the concerned Magistrate from the date on which this order is made ready and the victim is permitted to withdraw the said amount on production of proper identification and acknowledgement and on**



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such deposit, the 2nd petitioner is ordered to be released on bail on executing separate bonds 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, Ulundurpet*, 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 2nd petitioner shall appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of eight weeks.

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd petitioner 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



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appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]*; and;

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

22.02.2023

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To

- 1.The Judicial Magistrate, Ulundurpet.
- 2.The Inspector of Police,
Elavarasoorkottai Police Station, Villupuram.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI , J.

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