



Crl.O.P.No.2322 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2023

CORAM :

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

Crl.O.P.No.2322 of 2023

Kanagaraj,
S/o.Kuppusamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Poompuhar Police Station,
(Crime No.147 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.147 of 2022 pending on the file of respondent police.

For Petitioner : Mr.P.Adhavan Seral

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 13.12.2022 for the alleged offence under Sections 147, 148, 294(b), 324, 506(ii) and 307 of I.P.C. in Crime No.147 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 04.12.2022 at about 17.30 hrs., the petitioner along with other accused said to have scolded the defacto complainant in filthy language and attacked him with wooden logs, thereby the defacto complainant sustained grievous injuries and admitted in hospital. 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 earlier, the petitioner along with other accused were attacked by the defacto complainant and they gave a complaint, which was registered in Crime No.148 of 2022, as a



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counterblast, the present complaint has been filed. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be 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 60 days from 13.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are 7 accused involved in this case and the petitioner is arrayed as A6. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused scolded the defacto complainant in filthy language and also attacked him with wooden log, thereby he sustained injuries and he was admitted in hospital. He would submit that now co-accused were released on bail and the injured discharged from the hospital. 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.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that it is a case in counter and the injured discharged from the hospital and co-accused were released on bail and also considering the 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.5000/- (Rupees five thousand land) into the credit of Crime No.147 of 2022 before the concerned Magistrate from the date on which, the order is made ready and the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgement** 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, **in which one surety must be a surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tharangambadi**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



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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 on every Wednesday at 10.30 a.m. for period of six weeks;

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

(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.

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1. The Judicial Magistrate,
Tharangambadi.
2. Inspector of Police,
Poompuhar Police Station.
3. The Superintendent of Prison,
Sub-Jail, Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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Crl.O.P.No. 2322 of 2023

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