



Crl.O.P.No.2658 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**

Crl.O.P.No.2658 of 2023

Kesavan,  
S/o.Dharmalingam

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
M-5 Ennore Police Station,  
Tiruvallur Dt.  
(Crime No.765 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.765 of 2022 pending on the file of respondent police.

For Petitioner : Mr.M.Mohamed Riyas

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 06.01.2023 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) of I.P.C. in Crime No.765 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 31.12.2022, around 22.00 hrs, near Annai Sivagami Nagar, Ennore, due to previous enmity, the petitioner along with other accused said to have waylaid the defacto complainant and assaulted him with kife and beer bottle, thereby he sustained head injuries and he was admitted in the hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that on the date of occurrence, the defacto complainant's son was in a drunken mood, misbehaved with ladies on the beach and intentionally harassed the petitioner and other accused family due to previous enmity. So, the



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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, 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 30 days from 06.01.2023. 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 8 accused involved in this case and the petitioner is arrayed as A2. He would submit that there are 2 previous cases pending against him. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused waylaid the defacto complainant and assaulted him with knife and beer bottle, thereby he sustained head injuries and he was admitted in the hospital and subsequently, he was 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



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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 investigation almost completed and the fact that the injured discharged from the hospital 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 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, Tiruvottiur**, 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 stay at Cuddalore District and report before the Inspector of Police, Thirupapuliur Police Station daily 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



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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.

**06.02.2023**

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To

1. The Judicial Magistrate,  
Tiruvottiur.
2. Inspector of Police,  
Ennore Police Station,  
Tiruvallur Dt.
3. The Superintendent of Prison,  
Central Prison, Puzhal.
4. The Public Prosecutor,



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**T.V. THAMILSELVI, J.**

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**Crl.O.P.No. 2658 of 2023**

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