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Crl.O.P.No.2554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2023

CORAM :

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

Crl.O.P.No.2554 of 2023

1. Ramachandran,
S/o. Eswaran
2. Kida Kumar @ Jayakumar,
S/o.Thangavel

... Petitioners

Vs.

The State rep. by
Sub-Inspector of Police,
Mettur Police Station,
Salem Dt.
(Crime No.195 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.195 of 2022 pending on the file of respondent police.

For Petitioners : Mr.D.Balaji
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.12.2022 for the alleged offence under Sections 341, 294(b) and 307 of I.P.C. and subsequently it was altered into Secs. 147, 148, 120(b), 341, 294(b) and 307 of I.P.C. in Crime No.195 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to political enmity, the petitioners along with other accused waylaid husband of defacto complainant and assaulted him, due to which, he sustained injuries and he was admitted in the hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that the entire allegation is false, vindictive, wanton and they are is no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any



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condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 59 days from 04.12.2022. 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 10 accused involved in this case and they are arrayed as A4 and A3 and no previous case pending against them. He would submit that on the date of occurrence, due to political enmity, the petitioners along with other accused waylaid husband of defacto complainant and assaulted him, in which he sustained injuries and subsequently after treatment, he was discharged from the hospital. He would submit that that if they are 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 petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact



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that the injured discharged from the hospital and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner 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, for a like sum to the satisfaction of the **learned Judicial Magistrate-1, Salem**, 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 report before the respondent police on every Wednesday at 10.30 a.m. for the period of eight weeks;

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

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



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(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.

03.02.2023

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To

1. The Judicial Magistrate-1, Salem
2. Sub-Inspector of Police, Mettur Police Station, Salem Dt.
3. The Superintendent of Prison, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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