



Crl.O.P.No.2839 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2023

CORAM :

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

Crl.O.P.No.2839 of 2023

1. John Melquire,
S/o. Samuvel

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

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi Dt.
(Crime No.08 of 2023)

.. 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.08 of 2023 on the file of respondent police.

For Petitioners : Mr.M.Prakash

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



WEB COPY



Crl.O.P.No.2839 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 341, 294(b), 506(ii), 307 of I.P.C. and under Sec.3 of TNPPDL Act, 1992 in Crime No.08 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and petitioners are neighbouring village town. On 08.01.2023 around 07.00 a.m., when the defacto complainant was driving his vehicle to deliver vegetables to shops, the petitioners along with other accused said to have caused annoyance to the public, thereby intercepted his vehicle, and thrown a bottle on his vehicle and when he questioned him, he threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners and defacto complainant are friends. He would submit tht they have attempted to cause any injury to the defacto complainant, however, at the time of attack by A3 suddenly on his vehicle, the petitioners



Crl.O.P.No.2839 of 2023

WEB COPY

stopped A2 from attacking him, at that instance, beer bottle in the hands of petitioners stabbed the defcto complainant. 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 46 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 2 accused involved in this case and the petitioners are arrayed as A1 and A2. He would submit that there are 8 previous cases pending as against 2nd petitioner. He would submit that on the date of occurrence, they have caused annoyance to the public, thereby, they attacked him with beer bottle, 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



Crl.O.P.No.2839 of 2023

investigation. 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 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-I, Ulundurpet*, and on further conditions that::

(a) the sureties shall affix their photographs and



Crl.O.P.No.2839 of 2023

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 stay at Madurai District and report before the Inspector of Police, Thallakulam Police Station daily at 10.30 a.m. for the period of six 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 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.

24.02.2023

rpp

To

5/7



Crl.O.P.No.2839 of 2023

WEB COPY

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



WEB COPY



Crl.O.P.No.2839 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No.2839 of 2023

24.02.2023