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Crl.O.P.No.3438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2023

CORAM :

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

Crl.O.P.No.3438 of 2023

S.Sundhararajan,
S/o.Selvaraj

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Nallipalayam Police Station,
Namakkal.
(Crime No.15 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.15 of 2023 pending on the file of respondent police.

For Petitioner : Mr.R.Surya Prakash

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



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Crl.O.P.No.3438 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2023 for the alleged offence under Section 307 of I.P.C. in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 11.01.2023, the petitioner and defacto complainant are known to each other and they are working under the same employer, however, there was a dispute over the repair works to be carried out to the vehicle, wherein they were travelled, due to which, the petitioner said to have assaulted him with knife, thereby the defacto complainant sustained injuries and he was admitted in hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that due to sudden provocation, the petitioner attacked him in the alleged occurrence and there is no previous agony with him. So, the entire allegation is false, vindictive, wanton and he is no way connected with



Crl.O.P.No.3438 of 2023

WEB COPY

the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and 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 33 days from 12.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is sole accused. He would submit that on the date of occurrence, there was a dispute over the repair works to be carried out to the vehicle, wherein both the petitioner and the defacto complainant travelled, due to which, there was a wordy quarrel between them, thereby he assaulted him with knife, resulting in which he sustained injuries and he was admitted in hospital for treatment and subsequently, the injured 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 completed. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.3438 of 2023

WEB COPY

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-1, Namakkal**, 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 and Saturday at 10.30 a.m. for period of three months;

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



Crl.O.P.No.3438 of 2023

WEB COPY

(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.

15.02.2023

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To

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



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Crl.O.P.No.3438 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 3438 of 2023

15.02.2023