



Crl.O.P.No.3748 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2023

CORAM :

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

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1. Kali,
S/o. Ranganathan
2. Suresh,
S/o. Kali
3. Sarathkumar,
S/o. Subramani

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Vellimedupettai Police Station,
Villupuram Dt.
(Crime No.15 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.15 of 2023 on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.02.2023 for the offence under Sections 147, 148, 294(b), 323, 324, 307 of I.P.C. in Crime No.15 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to a civil dispute pending between the petitioners herein and the defacto complainant with regard to a pathway, on 01.02.2023, when the defacto complainant was in his poultry farm, the petitioners came there and assaulted him with iron rod and wooden log and also abused him in filthy language. Hence, the complaint was registered against the petitioners.



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3. The learned counsel for the petitioners submitted that both the petitioners and defacto complainant are relatives and due to a civil dispute pending between them, a case was also registered in Crime No.16 of 2023, and as a counter blast, the present complaint has been filed. 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 occurrence. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 19 days from 01.02.2023. 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 8 accused involved in this case and no previous case pending against them and it is a case in counter. He would submit that with regard to a pathway, there was a wordy quarrel between them, thereby they attacked the defacto complainant with iron rod and wooden log, in which he sustained injuries and admitted in hospital and subsequently he was discharged from the hospital. He would submit that if they are released on bail, they would



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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 the fact that the investigation is almost completed, and the fact that it is a case in counter and also the fact that on the date of occurrence, there was a wordy quarrel between family members, thereby the petitioners attacked deceased with iron rod, resulting in which, he sustained grievous injuries and subsequently he was admitted in hospital and after treatment, he was 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 with certain conditions.

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) into the credit of Crime No.15 of 2023 before the concerned Magistrate from the date on which this order is made ready and the victim is permitted to**



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withdraw the said deposit amount on production of proper identification and acknowledgement and on such deposit, 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, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Tindivanam**, 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 petitioners shall report before the respondent police on every Thursday at 10.30 a.m. for the period of four weeks;

(c) the petitioners shall not leave India without consent of court concerned.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;



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(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.02.2023

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To

1. The Judicial Magistrate-I,
Tindivanam.
2. Inspector of Police,
Vellimedupettai Police Station, Villupuram Dt.
3. The Superintendent of Prison,
Sub-Jail, Tindivanam.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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