



Crl.O.P.No.3770 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. Chandru,
S/o. Chandrasekar
2. Ranjith @ Ranjithkumar,
S/o. Thanigachalam @ Thanigavel
3. Dinesh Babu,
S/o. Chitty Babu

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram Dt.
(Crime No.53 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.53 of 2023 on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on **20.01.2023** for the offence under **Sections 147, 148, 294(b), 452, 323, 324 and 307 of IPC** in Crime No.53 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and his brother are working far away from his village and hence, his sister-in-law and her child are living with him in his house, due to which, some of them suspected their relationship. While being so, on 17.01.2023 when the defacto complainant was waiting for a bus along with his sister-in-law, at that time, A2 said to have abused him in filthy language about the relationship. Hence, there occurred enmity between them and due to that enmity, on 20.01.2023, the petitioners along with other accused trespassed into the house of defacto complainant and abused him in filthy



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language, thereby the 1st petitioner assaulted him with koduval on his front and back side head, and the 2nd petitioner assaulted him with bricks on his left elbow, left side knee, due to which the defacto complainant sustained grievous injuries and he was admitted in hospital for treatment. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that in fact, the defacto complainant along with others jointly attacked the petitioners with aruval and knife, thereby they sustained bone fractures and severe injuries and a case was also registered in Crime No.56 of 2023, 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 30 days from 20.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for



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respondent would submit that totally, there are 3 accused involved in this case and the petitioners are arrayed as A1, A3 and A5 and it is a case in counter. He would submit that earlier, A2 abused the defacto complainant with filthy language about the relationship between him and his sister-in-law, due to which, there was a wordy quarrel between them thereby they attacked him with deadly weapons, 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 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 the fact that the investigation is almost completed, and the fact 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 with certain conditions.



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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-I, Villupuram**, 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 Tuesday at 10.30 a.m. for another period of six 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;

(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



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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.

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To

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



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T.V. THAMILSELVI, J.

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