



Crl.O.P.No.3752 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2023

CORAM :

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

Crl.O.P.No.3752 of 2023

Sakthivel,
S/o.Sivapatham

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sathuvacheri Police Station,
Vellore Dt.
(Crime No.24 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.24 of 2023 pending on the file of respondent police.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.01.2023 for the alleged offence under Sections 294(b), 323, 307, 506(ii) of I.P.C. in Crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 15.01.2023, around 07.30 p.m., when the defacto complainant's cousin brother and his friends went to Tasmac wine shop at Perumugai and after purchasing beer bottles, they were talking each other at the wine shop, which belong to A1 and on hearing their noise, the petitioner along with other accused said to have went and questioned them, thereby there was a wordy quarrel between them. Thereafter again on 20.01.2023 around 08.30 p.m., the defacto complainant went and questioned A1 about quarrel with his brother, at that time, petitioner along with other accused joined together and scolded him in filthy language and also attacked him with deadly weapons, due to which, he sustained grievous injuries and admitted in hospital for treatment. Hence, the complaint was registered against the



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petitioner.

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3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, 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 23 days from 23.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the earlier occasion, there was a wordy quarrel between the defacto complainant's cousin brother and the petitioner, thereby they attacked him and subsequently, on the date of occurrence, when the defacto complainant went to his shop and questioned about earlier quarrel with his brother, there was a wordy quarrel between them and they attacked him with deadly weapons, due to



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which he sustained injuries and admitted in hospital for treatment and subsequently, he 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.

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 No.V, Vellore**, and on further conditions that:

(a) the sureties shall affix their photographs and Left



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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 alternative days at 10.30 a.m. for 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;

(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.

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To

1. The Judicial Magistrate No.V,
Vellore.
2. Inspector of Police,
Sathuvacheri Police Station,
Vellore Dt.
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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Crl.O.P.No. 3752 of 2023

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