



Crl.O.P.No.4045 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2023

CORAM :

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

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1. Gopal,
S/o. Natarajan
2. Boopathi,
S/o. Natarajan
3. Saravanakumar @ Santhosh,
S/o. Thambirajan

.. Petitioners

Vs.

State represented by
The Sub Inspector of Police,
Sooramangalam Police Station,
Salem City.
(Crime No.86 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.86 of 2023 on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.02.2023 for the alleged offence under Sections 294(b), 323, 307, 506(ii) of I.P.C. and Sec.4 of TNPHW Act in Crime No.86 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 03.02.2023, the defacto complainant's husband and petitioners consumed liquor, at that time, there was a wordy quarrel between them. While so, on 04.02.2023, around 10.30 p.m., they went to defacto complainant's house and called her husband, for which, she replied that he is not in the house, at that time, they said to have abused her in filthy words and also assaulted her by the 1st petitioner with veecharuval, the 2nd petitioner on her cheek and back with hands and 3rd petitioner kicked her with leg and also threatened her with dire consequences, due to which, she sustained injuries and she was admitted in hospital for treatment. Hence, the complaint.



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3. The learned counsel for the petitioners submitted 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 submit that earlier, the petitioners were attacked by the defacto complainant, due to which, on the next day, there was a wordy quarrel between them and the alleged occurrence happened. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 17 days from 05.02.2023. 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 three accused involved in this case and the petitioners are arrayed as A1 to A3. He would submit that on the previous day, there was a quarrel between petitioners and defacto complainant, due to which, on the next day, they went to his house and when he was not there, they abused his wife and also assaulted her, thereby she sustained grievous injuries and she was admitted in hospital for treatment and subsequently she was discharged from the



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hospital. He would submit that it is a case in counter and A2 and A3 are having three murder cases pending against them. 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 fact that the investigation is almost completed, and the fact that it is a case in counter and the fact that 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 petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing their 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 No.2, Salem*, and on further conditions that::

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police daily twice in the morning at 10.30 a.m. and evening at 05.30 p.m. for the period of two months.

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

(d) the petitioners 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 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]*; and;

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

22.02.2023

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To

- 1.The Judicial Magistrate No.2,
Salem.
- 2.The Sub Inspector of Police,
Sooramangalam Police Station,
Salem City.
- 3.The Superintendent of Prison,
Central Prison, Salem
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI , J.

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