



Crl.O.P.No.4406 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2023

CORAM :

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

Crl.O.P.No.4406 of 2022

Kaliyaperumal
S/o.Kannaiyan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai Dt.
(Crime No.437 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.437 of 2022 pending on the file of respondent police.

For Petitioner : Mr.S.P.Harikrishnan

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 19.12.2022 for the alleged offence under Sections 341, 294(b), 324, 506(ii) and 302 of I.P.C. in Crime No.437 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to previous enmity, on 05.12.2022, the petitioner along with other accused waylaid the defacto complainant and scolded him in filthy language and also assaulted him with wooden logs, due to which, he sustained grievous injuries and he was admitted in the hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that as per the averments in the complaint, the incident was alleged to be happened on 05.12.2022 at 09.00 p.m. and there is no blood injury and now victim returned to home on his own. Hence, the entire allegation is



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false, vindictive, wanton and he is no way connected with the offence.

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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 and co-accused A2 and A3 were released on bail by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 70 days from 19.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that no previous case pending against him and he is arrayed as A1. He would submit that on the date of occurrence, due to previous enmity, petitioner along with other accused waylaid the defacto complainant and assaulted him with wooden log, in which he sustained injuries and subsequently after treatment, he was discharged from the hospital. He would submit that co-accused A2 and A3 were released on bail. 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



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grant bail to the petitioner.

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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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tharangambadi**, 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 stay at Namakkal District



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and report before the Town Police Station, Namakkal daily at 10.30 a.m. for the period of eight weeks and thereafter, he shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for another period of three months;

(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,
Tharangambadi.
2. Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai Dt.
3. The Superintendent of Prison,
District Jail, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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