



Crl.O.P.No.4575 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2023

CORAM :

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

Crl.O.P.No.4575 of 2023

1. Balamurugan @ Pathukuli Bala,
S/o. Vanaraj

2. Ashok Kumar,
S/o. Manikandan
Petitioners

...

Vs.

State Rep. by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
(Crime No.59 of 2023)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.59 of 2023 on the file of respondent police.

For Petitioners : Mr.R.Rajprabhu



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Crl.O.P.No.4575 of 2023

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.01.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 341, 323, 324, 307 of I.P.C. in Crime No.59 of 2023, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 21.01.2023, when the defacto complainant met A1 on his invitation, at that time, the petitioners along with other accused were wrongfully restrained him, and scolded him in filthy language and also attacked him by knife. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners would submit that the defacto complainant is a friend of former Tiruppur Municipal North Union President of Hindu Munnani Organisation, and now the 1st petitioner was recently appointed as a Tiruppur Municipal North Union President, due to this political vengeance, the former President sent his



Crl.O.P.No.4575 of 2023

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friend, who is defacto complainant for giving trouble to A1 and planned to discharge A1 from the aforesaid posting. He would also submit that the defacto complainant is a rowdy element and he is having three previous cases. He would submit that there is no specific overtact against the petitioners and they are innocent persons and they are no way connected with the occurrence. He would submit that they have been falsely implicated in this case and they would abide by any condition that may be imposed by this court. He would submit that they are in custody for more than 37 days from 22.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that totally, there are 9 accused involved in this case and they are arrayed as A1 and A2 and no previous case pending against him. He would submit that on the date of occurrence, when the defacto complainant met A1 on his invitation, the petitioners along with other accused wrongfully restrained him and scolded him and also attacked him by knife, thereby he sustained injuries and admitted in hospital for treatment and subsequently discharged from the hospital. He



Crl.O.P.No.4575 of 2023

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would submit that the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and the fact that the investigation is almost completed and the fact that the injured discharged from hospital and also on considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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 No.III, Tiruppur** 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



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CrI.O.P.No.4575 of 2023

Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Sunday at 10.30 a.m. for the period of two months.

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

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

(e) the petitioners 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 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];

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

01.03.2023

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CrI.O.P.No.4575 of 2023

To

1. The Judicial Magistrate No.III,
Tiruppur.
2. Inspector of Police,
Anupparpalayam Police Station,
Tiruppur Dt.
3. The Superintendent of Prison,
District Prison, Tiruppur.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.O.P.No.4575 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 4575 of 2023

01.03.2023