



Crl.O.P.Nos.5042 & 5066 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.5042 & 5066 of 2023

1.Jeeva @ Jeevanandham

2.Sathishkumar @ Sathish

.. Petitioners in Crl.O.P.No.5042 of 2023

Yuvaraj

.. Petitioner in Crl.O.P.No.5066 of 2023

Vs.

The State represented by,  
The Inspector of Police,  
Thooskanampakkam Police Station,  
Cuddalore Taluk and District.

(Crime No.10 of 2023).

... Respondent in both Crl.O.Ps

**COMMON PRAYER:** Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail, in connection with the Crime No.10 of 2023, pending investigation on the file of the respondent Police.



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In both Crl.O.Ps.

For Petitioners : Mr.D.Baskar

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor

### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 29.01.2023 for the offences under Sections 147, 148, 448, 294(b), 323, 436, 506(ii) and 307 of IPC r/w Section 4 of TNPWH Act and Section 3 of TNPPDL Act, in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 28.01.2023, during midnight, the petitioners along with other accused said to have entered into the house of defacto complainant, and set fire by pouring petrol over them and his vehicle and also set fire on his house, thereby they attempted to do away the life of defacto complainant, resulting in which, he sustained grievous injuries and he was admitted in hospital for treatment. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioners



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in Crl.O.P.No.5042 of 2023 are arrayed as A1 and A4 and the petitioner in Crl.O.P.No.5066 of 2023 is arrayed as A2 in this case. He further submitted that due to dispute between two families, a false complaint has been given against them. He further submitted that the major part of the investigation has been completed and A7 in this case has already been granted bail by this Court. He also submitted that the petitioners are in judicial custody from 29.01.2023 and hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that during a quarrel with regard to family dispute, the petitioners have abused and assaulted the defacto complainant and his family members and set fire by pouring petrol over them and the vehicle and also set fire on his house, thereby, he sustained grievous injuries and he was admitted in hospital and subsequently, after treatment, he was discharged from the hospital. He further submitted that the petitioners have some previous case against them and major part of the investigation has been completed. However, he opposed for grant of bail.

5. Heard the learned Counsel for the petitioners and the learned



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Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioners and also considering that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, each of the petitioners are ordered to be released on bail on their executing a separate 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, Additional Mahila Court, Cuddalore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily twice at 10.30 a.m., and 6.30 p.m.,



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**for a period of four weeks and thereafter, report before the respondent Police, daily at 10.30 a.m., until further orders ;**

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

**15.03.2023**

*vk*

To



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- 1.The Judicial Magistrate,  
Additional Mahila Court, Cuddalore.
- 2.The Inspector of Police,  
Thookanampakkam Police Station,  
Cuddalore Taluk and District.
- 3.The Inspector of Police,  
Flower Bazaar Police Station,  
Chennai.
4. The Central Prison,  
Cuddalore.
5. The Public Prosecutor,  
High Court of Madras.

**A.D.JAGADISH CHANDIRA.,J.**



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