



Crl.O.P.No.5544 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

Crl.O.P.No.5544 of 2023

Sivakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

(Crime No.33 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.33
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.L.Srileka

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.5544 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.02.2023, for the offences punishable under Sections 324 & 307 of IPC, in Crime No.33 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Kathirvel, is that due to the existing land dispute on account of fencing his land, the accused have abused the de-facto complainant and two others and brutally attacked them with crowbar and wooden logs, due to which, they sustained grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, due to the previous enmity on account of the land dispute. He further submitted that the petitioner is in custody from 22.02.2023. Hence, he prayed to grant bail to the petitioner.



Crl.O.P.No.5544 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused, due to the existing land dispute, assaulted the de-facto complainant and two others brutally, due to which, they suffered grievous injuries and admitted in the hospital. He further submitted that four previous cases are pending as against the petitioner and also stated that the injured has been discharged from the hospital, however, he opposed to grant bail to the petitioner.

5. In reply, the learned Counsel for the petitioner submitted that out of four previous cases pending as against the petitioner, three were registered for the offence of theft and one case was registered for criminal intimidation. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed on him. Hence he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



Crl.O.P.No.5544 of 2023

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Dharapuram**, 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 petitioner shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30a.m. and 5.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.5544 of 2023

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

09.03.2023

ham

To

1. The Judicial Magistrate,
Dharapuram.
2. The Inspector of Police,
Kundadam Police Station,
Tiruppur District.
3. The Sub Jail,
Dharapuram.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5544 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5544 of 2023

09.03.2023