

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5788 of 2023

Sabariakash

... Petitioner

Vs.

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

(Crime No.43 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.43
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2023, for the offences punishable under Sections 147, 294(b), 324, 307 & 506(ii) of IPC, in Crime No.43 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Prabakaran, is that on 23.01.2023, the accused, due to the previous enmity, abused the de-facto complainant in a filthy language and assaulted him knife and also attacked with beer bottle on his head, due to which, he sustained grievous injuries. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the main accused. He also submitted that main accused were detained under Act 14 and the petitioner is in custody from 24.01.2023 and also he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused, due to the previous enmity, have assaulted the *de-facto* complainant with knife and also attacked with beer bottle on his head, causing grievous injuries. He further submitted that the accused 1 to 3 were detained under Act 14 and as far as this petitioner is concerned, two previous cases, one under Section NDPS Act and another for offence under Section 75 of City Police Act, are pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned 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 taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 No.IV, Tiruppur**, 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 report before the respondent Police, everyday at 10.30a.m. and 6.30p.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;

[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.

13.03.2023

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To

1. The Judicial Magistrate No.IV,
Tiruppur.
2. The Inspector of Police,
Nallur Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.5788 of 2023

A.D.JAGADISH CHANDIRA.,J.

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