



Crl.O.P.No.6077 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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

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1. R.Satheesh

2. Y.Vinoth Walter

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Latheri Police Station,
Vellore District.

(Crime No.22 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in connection with the Crime
No.22 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.02.2023, for the alleged offences punishable under Sections 294(b), 324 & 307 of IPC, in Crime No.22 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant/ Babu, is that on 05.02.2023, at about 8.45 p.m., he along with his friends were standing near the tea shop owned by one Natarajan. While so, the accused came there and abused the said Natarajan in a filthy language and when it was questioned by the *de-facto* complainant's friend, one Sudhakar, the accused have abused and assaulted the said Sudhakar with the pen knife, due to which, he sustained grievous injuries and the accused have escaped from the scene of occurrence. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners were arrested on 05.02.2023 and they are in custody for more than 40 days. He also submitted that the



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petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A1 & A3 respectively, along with other accused, during the wordy quarrel, have abused the de-facto complainant's friend and assaulted him with pen knife, causing grievous injuries. He further submitted that as far as the first petitioner (A1) is concerned, he is a habitual offender, against whom, 7 previous cases are pending and he is a history sheeted rowdy in H.S.No.1 of 2016 and in respect of the second petitioner (A3), there is no previous case. He also submitted that the investigation in this case is still pending, therefore, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, 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, Katpadi**, 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 first petitioner (A1) shall stay at **Ramanathapuram** and report before the **Inspector of Police, Ramanathapuram Town Police Station**, everyday at **10.30 a.m. and 5.30 p.m.**, until further orders ;

[c] the second petitioner (A3) shall report before the respondent Police, everyday at **10.30 a.m. and 5.30 p.m.**, until further orders ;



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.03.2023

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To

1. The Judicial Magistrate, Katpadi.
2. The Inspector of Police,
Latheri Police Station,
Vellore.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram.
5. The Public Prosecutor,
High Court of Madras.



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