



Crl.O.P.No.6088 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

Crl.O.P.No.6088 of 2023

Sureshkumar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Ayilpatty Police Station,  
Namakkal District.

(Crime No.21 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.21 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor



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Crl.O.P.No.6088 of 2023

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023, for the offences punishable under Sections 294(b), 289, 323, 324, 506(ii) of IPC, in Crime No.21 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.02.2023, due to the previous dispute over raising the livestock, there was a scuffle between the accused and the de-facto complainant, due to which, the accused through their dog, attacked the de-facto complainant's brother and also by abusing the de-facto complainant and his brother in a filthy language, assaulted them with wooden log stone, resulting in which, they sustained 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. He further submitted that the de-facto complainant is the one, who had entered into the petitioner's house and quarrelled with him and later, gave a false complaint against the petitioner and others. He further submitted that



Crl.O.P.No.6088 of 2023

the petitioner is in custody from 21.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to the previous dispute, the petitioner (A3) along with others have abused and attacked the de-facto complainant and his brother with wooden logs and also attacked them through their dog, due to which, they sustained injuries. He further submitted that the injured has been discharged from the hospital and there is no previous case pending as against the petitioner. However, he opposed for grant of 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 fact that the injured has been discharged from the hospital and also



Crl.O.P.No.6088 of 2023

considering that there is no previous case against 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**, for a like sum to the satisfaction of the **learned Principal District Judge, Namakkal**, 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 10.30 a.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



Crl.O.P.No.6088 of 2023

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.

**16.03.2023**

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To

1. The Principal District Court,  
Namakkal.
2. The Inspector of Police,  
Ayilpatty Police Station,  
Namakkal District.
3. The Sub Jail,  
Rasipuram.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.6088 of 2023

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

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**Crl.O.P.No.6088 of 2023**

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