



Crl.O.P.No.6425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

Crl.O.P.No.6425 of 2023

Sivasakthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal, Salem District.

(Crime No.34 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.34 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.02.2023 for the offences punishable under Section 294(b), 324 and 506(ii) of IPC @ 294(b) and 307 of IPC in Crime No.34 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Irusappan, who is the Grade I Constable is that there was a wordy quarrel between the accused and a bus driver. During which, the defacto complainant had questioned the same, thereby, the accused have abused and assaulted the defacto complainant with stones. Originally the case was registered for the offence under Sections 294(b), 324 and 506(ii) of IPC and later, it was altered to one under Sections 294(b) and 307 of IPC. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 04.02.2023. Hence, he seeks for grant of bail to the



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petitioner.

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4.Learned Government Advocate (crl.side) would submit that there was a wordy quarrel between the petitioner along with other accused and a bus driver. During which, the defacto complainant, who is the Grade I Constable had questioned the same, the petitioner along with other accused have abused and assaulted the defacto complainant with stones. He would further submit that there is no previous case pending against the petitioner and the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioner.

5.Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering 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



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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.II, Mettur, Salem District**, 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 daily 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 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]*;



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

21.03.2023

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To

1. The Judicial Magistrate No.II,
Mettur, Salem District.
2. The Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal, Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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