



Crl.O.P.No.6524 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6524 of 2023

Premkumar

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Namagiripet Police Station,
Namakkal District.

(Crime No.38 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.38 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.P.Suresh Babu

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



WEB COPY



Crl.O.P.No.6524 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.02.2023 for the offences punishable under Sections 294(b), 342 and 506(ii) of IPC in Crime No.38 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Vasudevan is that dispute with regard to laying of pipe for water connection, there was a wordy quarrel between the petitioner and the defacto complainant, during the quarrel, the petitioner has assaulted him with bottle and caused injuries. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody from 23.02.2023. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.6524 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that dispute with regard to laying of pipe for water connection, there was a wordy quarrel between the petitioner and the defacto complainant, during the quarrel, the petitioner has assaulted him with bottle and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the either side and also considering the period of incarceration suffered 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)**



Crl.O.P.No.6524 of 2023

with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate, Rasipuram 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., for a period of two weeks and thereafter, every Saturday 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]*;



WEB COPY



CrI.O.P.No.6524 of 2023

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

23.03.2023

vk

To

1. The Judicial Magistrate,
Rasipuram.
2. The Station House Officer,
Namagiripet Police Station,
Namakkal District.
3. The Sub Jail,
Rasipuram.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6524 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.6524 of 2023

23.03.2023