



WEB COPY



Crl.O.P.No.7155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7155 of 2023

John Melqure @ John Melkiyur,
S/o. Samuvel

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi Dt.
(Crime No.08 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.08 of 2023 on the file of respondent police.

For Petitioners : Mr.Krishnasamy Chinnasamy

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



WEB COPY



Crl.O.P.No.7155 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 341, 294(b), 506(ii), 307, 506(2) of I.P.C. r/w Sec.3 of TNPPDL Act, 1992 in Crime No.08 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and petitioner is neighbouring village town. On 08.01.2023 around 07.00 a.m., when the defacto complainant was driving his vehicle to deliver vegetables to shops, the petitioner along with other accused said to have caused annoyance to the public, thereby intercepted his vehicle, and thrown a bottle on his vehicle and when he questioned him, he threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and defacto complainant are friends. He would submit that he has not attempted to cause any injury to the defacto complainant,



Crl.O.P.No.7155 of 2023

WEB COPY

however, at the time of attack by A3 suddenly on his vehicle, the petitioner stopped A2 from attacking him, at that instance, beer bottle in the hands of other accused stabbed the defacto complainant. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would submit that he has been falsely implicated in this case for statistical purpose and the co-accused was already released on bail. He would further submit that the investigation is almost completed and that the petitioner have been suffering incarceration from 08.01.2023 and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 2 accused involved in this case and the petitioner is arrayed as A1. He would submit that there are 9 previous cases pending as against petitioner. He would submit that on the date of occurrence, he has caused annoyance to the public, thereby, they attacked him with beer bottle, in which, he sustained grievous injuries and he was admitted in hospital and subsequently, he was discharged



Crl.O.P.No.7155 of 2023

WEB COPY

from the hospital. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and the fact that the injured discharged from the hospital and co-accused was already released on bail and also on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Judicial Magistrate-1, Ulundurpet*, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the



WEB COPY



Crl.O.P.No.7155 of 2023

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Tiruchirappalli and report before the Inspector of Police, Srirangam Police Station daily at 10.30 a.m. for the period of one month and thereafter, he shall appear before the respondent police daily at 10.30 a.m. for another period of two months.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

05.04.2023

rpp



Crl.O.P.No.7155 of 2023

To
WEB COPY

- 1.The Judicial Magistrate-1, Ulundurpet.
- 2.The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi Dt.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.7155 of 2023

T.V.THAMILSELVI , J.

rpp

Crl.O.P.No.7155 of 2023

05.04.2023