



Crl.O.P.No.7147 of 2023

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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.7147 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.313 of 2022)

.. 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.313 of 2022 on the file of respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) of I.P.C. in Crime No.313 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to a money dispute, there was a wordy quarrel between petitioner along with other accused and the defacto complainant, thereby, on the date of occurrence, he along with other accused intercepted him and attacked him with stone and wooden stick, in which, the defacto complainant sustained injuries and he was admitted in hospital for treatment. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner along with other accused and defacto complainant are friends. As there was a previous enmity between A1 and the defacto complainant, frequently they used to fight with each other in view of demanding



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money. Whenever the dispute arose, the petitioner along with other accused said to have supported A1 and they would compromise each other. However, on the date of occurrence, they have not attempted to cause any injury to him. 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 and already co-accused was released on bail. He would submit that he has been falsely implicated in this case for statistical purpose and earlier, he was detained under Goondas Act, which was revoked by the Government. He would further submit that the investigation is almost completed and that the petitioner has 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 7 accused involved in this case and the petitioner is arrayed as A3. He would submit that there are 9 previous cases pending as against the petitioner. He would submit that on the date of occurrence, due to money dispute, there was a wordy quarrel between petitioner along with other accused and the defacto complainant,



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thereby they attacked him with stone and wooden stick, in which, he sustained grievous injuries and he was admitted in hospital and subsequently, he was discharged from the hospital. He would also submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and now injured discharged from the hospital and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

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**



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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 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



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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

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To

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.



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T.V.THAMILSELVI, J.

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