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Crl.O.P.No.7240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

Crl.O.P.No.7240 of 2023

1. Vijayaraj

2. Durai

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

(Crime No.112 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/A1 & A2 on bail, in connection with the
Crime No.112 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.M.Rebecca

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioners, who were arrested and remanded to Judicial custody on 12.03.2023, for the offence punishable under Sections 294(b), 323, 324 & 506(ii) of IPC @ Section 294(b), 323, 324 & 307 of IPC, in Crime No.112 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Sathiya, is that there was a dispute between the accused and the de-facto complainant's husband, since the de-facto complainant's husband has questioned the second accused for dumping the sand and gravel in their land without their knowledge. Being enraged by the same, on 11.03.2023, the second accused along with the first accused have abused the de-facto complainant's husband in a filthy language and assaulted him with hands and wooden log, causing grievous injuries. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this



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case. He further submitted that due to the previous enmity, the de-facto complainant has lodged a false complaint as against these petitioners. He further submitted that the petitioners are in custody from 12.03.2023 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous dispute, the petitioners have abused the de-facto complainant's husband in a filthy language and assaulted him with wooden log and hands, due to which, he sustained grievous injuries. He also submitted that the injured has been discharged from the hospital on 31.03.2023 and further submitted that no previous case is pending as against these petitioners. However, he opposed for grant of bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.2, Tiruvannamalai**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

10.04.2023

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To

1. The Judicial Magistrate No.2,
Tiruvannamalai.
2. The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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