



Crl.O.P.No.7476 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

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

Crl.O.P.No.7476 of 2023

1. Sathishkumar

2. Elaiyaraja

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

Crime No.111 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.111 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : M/s.Mythili Srinivas

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 03.03.2023, for the offences punishable under Sections 294(b), 342, 324, 506(ii) and 307 of IPC, in Crime No.111 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant/Pradeep is that during the quarrel in a temple festival, the accused have assaulted the de facto complainant with billhook, resulting in him, sustaining grievous injuries in his hand and they have also threatened him with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against them. He further submitted that the incident is alleged to have happened during a quarrel in the temple festival and there is no other allegations on the part of the petitioners. He also submitted that the petitioners are in custody from 03.03.2023 and they are also prepared to abide by any stringent



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condition that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are habitual offenders and history sheeted rowdies, against whom, three previous cases are pending in Crime Nos.11 of 2015, 184 of 2017 and 459 of 2019. He further submitted as as far as this case is concerned, the petitioners have abused and assaulted the de-facto complainant during the quarrel arouse in a temple festival, due to which, he sustained grievous injuries. He also submitted that the injured has been discharged from the hospital, however, he opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that all the previous cases registered against the petitioners are prior to the year 2019 and also, in one of the cases, the petitioners have been acquitted. He also submitted that the petitioner are ready to stay far away from the jurisdictional limit of the respondent Police. Hence, he prays for grant of bail to the petitioners.



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6. Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

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

8. 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**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Kilvelur** 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 stay at Dharmapuri and report before the Inspector of Police, Dharmapuri



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Town Police Station, everyday at 10.30 a.m., until further orders;

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

[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.

05.04.2023

ham/vkr



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To

1. The District Munsif cum Judicial Magistrate,
Kilvelur.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
3. The District Prison
Nagapattinam.
4. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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