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Crl.O.P.No.7605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7605 of 2023

1. Mohan

2. Manikandan

... Petitioners

Vs.

The State represented by,
Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.

(Crime No.153 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.153 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.S.Saravana Kumar

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 15.03.2023, in connection with Crime No.153 of 2023, for the offence punishable under Sections 294(b), 323, 324, 506(ii) and 307 of IPC, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Chitra, is that there exists a pathway dispute between her family and the accused's family. While so, on 14.03.2023, A1 & A2 abused the de-facto complainant's husband in a filthy language, since the sewage water was coming out and there arose a quarrel, during which, A1 & A2 along with other accused abused and assaulted the de-facto complainant and her family members with iron rod and hands, due to which, they sustained grievous injuries. Further, the accused have threatened the de-facto complainant and her family with dire consequences. Hence the case.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that due to the previous enmity, the de-facto complainant has lodged a false complaint against the petitioners and their family members. He also submitted that only the de-facto complainant and his family members have attacked the petitioners, due to which, a counter case has been registered against them. He further submitted that the petitioners are in custody from 15.03.2023 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 the petitioners are the neighbors of the de-facto complainant and there exists a pathway dispute between them. While so, on 14.03.2023, on seeing the sewage water coming out from the de-facto complainant's house, the petitioners along with their family members, abused and assaulted the de-facto complainant and her family members with iron rod and hands, causing grievous injuries. He further submitted that it is a case



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and a case in counter. He also submitted that the injured was treated as in-patient and discharged on 29.03.2023, however, he vehemently opposed for grant of bail to the petitioners.

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

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, this Court is inclined to grant bail to the petitioners with certain conditions.

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.II, Ulundurpet**, and on further conditions that:



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[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;

[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.

06.04.2023

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To

1. The Judicial Magistrate No.II,
Ulundurpet.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
4. The Central Prison
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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