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Crl.O.P.No.7573 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.7573 of 2023

A.Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Edappadi Police Station,
Salem District.

(Crime No.43 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.43 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.02.2023, for the offences punishable under Sections 294(b) & 307 of IPC, in Crime No.43 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Ambika is that there exists a civil dispute between her family and the accused's family and that on 04.02.2023, the accused had damaged the electric box and when it was questioned by the de-facto complainant's father, the accused abused him in a filthy language and attempted to assault him with boti knife and aruval, during which, the de-facto complainant intervened, due to which, she sustained injuries on her hand. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the previous enmity, on account of the land dispute, the de-facto complainant has lodged a false complaint as



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against the petitioner. He also submitted that even as per the prosecution, the alleged victim is stated to have been sustained injuries on her hand and she has also been discharged from the hospital after treatment. He also submitted that the petitioner is in custody from 05.02.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the existing land dispute, the petitioner has damaged the electric box and when it was questioned by the de-facto complainant, he abused and attempted to assault him with aruval and boti knife, during which, the de-facto complainant intervened and sustained with injuries on her hand. He also submitted that the injured has been discharged from the hospital and the investigation in this case still pending. He further submitted that as far as this petitioner is concerned, he is a history sheeted rowdy, against whom, one previous case registered for the offence under Section 379 IPC is pending. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready to stay far away from the jurisdiction of the respondent Police and also prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner 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 and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a 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, Edappadi**, 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 petitioner shall stay at Chennai and report before the Inspector of Police, V5, Thirumangalam Police Station, everyday at 10.30a.m., until further orders;

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

[d] the petitioner 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 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]***;

[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,
Edappadi.
2. The Inspector of Police,
Edappadi Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
V5, Thirumangalam Police Station,
Chennai.
5. Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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