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Crl.O.P.No.7818 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

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1. Paramanandan

2. Revathi

3. Tamilnilavan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.

(Crime No.119 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.119 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.M.Vijaya Ragavan

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 offence punishable under Sections 294(b), 324, 354, 506 (ii) & 307 of IPC, in connection with Crime No.119 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Bernatsha, is that due to the money dispute, the accused, who are the relatives of the de-facto complainant, has picked up a quarrel with the de-facto complainant and his family members and during which, the accused have abused and attempted to murder them. The further allegation is that the accused have assaulted the wife of the de-facto complainant with knife, due to which, she sustained grievous injuries and they have also outraged her modesty. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first and second petitioner are none other



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than the brother and sister-in-law of the de-facto complainant respectively.

He also submitted that due to the existing property dispute between the de-facto complainant and the petitioners' family, a false case has been foisted against the petitioners. He also submitted that the petitioners are in custody from 03.03.2023 and they are 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 money dispute, the petitioners have abused and assaulted the *de-facto* complainant and his wife with knife, due to which, the wife of the de-facto complainant sustained grievous injuries. He further submitted that the injured has been discharged from the hospital and the investigation is still pending. He also submitted that no previous case is pending as against the 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 also considering the fact that the injured has been discharged from the hospital, 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, Sirkazhi**, 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;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[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.

12.04.2023

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To

1. The Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.
3. The Central Prison (Women),
Trichy.
4. The Sub Jail,
Sirkazhi.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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