



Crl.O.P.No.8342 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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

Crl.O.P.No.8342 of 2023

Ramprabhu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
15- Velampalayam Police Station,
Tiruppur District.

(Crime No.108 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.108 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Deepanuday

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 08.02.2023, for the offences punishable under Sections 120(b), 294(b) & 307 of IPC, in Crime No.108 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant P.Surendiran is that on 07.02.2023, due to previous enmity, the accused joined/conspired together and abused the de facto complainant in a filthy language and assaulted him with knife resulting in him sustaining grievous injuries on stomach, left back and left ear. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and the earlier bail application was dismissed as withdrawn, since it was submitted by the learned Additional Public Prosecutor that 9 previous cases are pending against the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted



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that the petitioner has not committed any offence and due to the previous enmity, the de-facto complainant has lodged a false complaint. He also submitted that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.4983 of 2023 dated 09.03.2023. He further submitted that the petitioner is in custody from 08.02.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) for the respondent submitted that due to the previous enmity, the petitioner along with other accused has indiscriminately assaulted the de-facto complainant with knife, resulting him in sustaining grievous injuries. He further submitted that the injured has been discharged from the hospital. He also submitted that the 9 previous cases are pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the 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 petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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-3, Tiruppur**, 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 petitioner shall appear before the **learned Judicial Magistrate - 3, Tiruppur on all working days at 10.30 a.m., and he shall also report before the respondent Police, everyday at 07.00 p.m., until further orders;**



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[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.

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To

1. The Judicial Magistrate - 3,
Tiruppur.
2. The Inspector of Police,
15- Velampalayam Police Station,
Tiruppur District.
3. The District Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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