



Crl.O.P.No.8236 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8236 of 2023

1. Riyash Ahamed
2. Seeni @ Gowtham
3. Saravanan

... petitioners

Vs.

State represented by,
The Sub-Inspector of Police,
Perambalur Police Station,
(Crime No.142 of 2023).
Perambalur District

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.142 of 2023, pending on the file of the respondent police.

For petitioners : Mr.L.P. Maurya

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.03.2023 for the offences punishable under Sections 294(b),307,506(2) in Crime No.142 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the victim had previous enmity with one Suriya on account of which the petitioner along with other accused waylaid the victim and assaulted him with knife resulting in him sustaining injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they were in judicial custody from 06.03.2023. He would further submit that a very reading of the F.I.R would go to show that the F.I.R has been registered for the purpose of passing the detention order under Act 14. He would further submit that the injured was treated as out patient and he was discharged on the same day of occurrence. He further submitted that the petitioners are prepared to abide by any stringent condition that may be



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imposed by this Court. Thereby, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on account of previous enmity, the petitioners have waylaid the victim and attacked him with knife and caused injuries to him. However, the victim was only treated as out patient and and he was discharged on the same day of occurrence. He would further submit that the petitioner herein arrayed as A1,A2 and A4 respectively and there is no previous case as against A1. A2 has got one previous case and A4 has got 4 previous cases. Hence, he 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 either side and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are 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 No.1, Perambalur** 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 Tirunelveli and report before the Tirunelveli Town Police Station daily 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



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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.

17.04.2023

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To

- 1.The Judicial Magistrate No.I, Perambalur
2. The Sub Inspector of Police,
Perambalur Police Station,
(Crime No.142 of 2023).
Perambalur District
3. The Sub Jail, Perambalur
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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