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Crl.O.P.No.8352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8352 of 2023

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velipalayam Town Police Station,
Nagapattinam District.

(Crime No.139 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.139 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.J.Jawahar

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 30.03.2023, for the offences punishable under Sections 294(b), 307, 323, 324, 506(ii) of IPC, in Crime No.139 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Dhayalan, is that on 30.03.2023, due to the property dispute, the accused had abused him in a filthy language and assaulted him with knife and when the de-facto complainant's friend intervened to rescue the de-facto complainant, the accused have also assaulted him with knife. Due to which, both the de-facto complainant and his friend have sustained grievous injuries. 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 existing civil dispute, a false complaint has been lodged as against the petitioner and another person. He



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also submitted that the petitioner has nothing to do with the alleged offence and he is in custody from 30.03.2023 and further submitted that the petitioner 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 (Crl.Side) appearing for the respondent police submitted that due to the existing property dispute, the petitioner along with another accused have abused the de-facto complainant in a filthy language and assaulted both the de-facto complainant and his friend with knife, causing grievous injuries. He further submitted that the injured has been discharged from the hospital on 02.04.2023 and the investigation in this case is still pending. He also submitted that the petitioner is a history sheeted rowdy, against whom, 2 previous cases are pending. Hence, he opposed for grant of 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 No.II, Nagapattinam**, 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 stay at Chennai and report before the Inspector of Police, E-4, Abiramapuram Police Station, everyday at 10.30 a.m., for a period of three weeks and thereafter, report before the respondent, everyday at 10.30 a.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.

19.04.2023

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To

1. The Judicial Magistrate No.II,
Nagapattinam.
2. The Inspector of Police,
Velipalayam Town Police Station,
Nagapattinam District.
3. The District Jail,
Nagapattinam.
4. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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