



Crl.O.P.No.8375 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

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

Crl.O.P.No.8375 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perambalur Police Station
Perambalur District.

(Crime No.142 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.142 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Vijaya Ragavan

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 06.03.2023, for the offences punishable under Sections 294(b), 307, 506(ii) in Crime No.142 of 2023, on the file of the respondent Police, seeks 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 case.

3. Learned counsel appearing for the petitioner submitted that the petitioner (A3) is an innocent person, aged about 21 years and he has been falsely implicated in this case. He further submitted that very reading of the First Information Report would go to show that the present case has been registered against the petitioner only for the purpose of detaining him under Act 14. He also submitted that the injured has been treated only as out patient and he has also been discharged on the same day. He further submitted that similarly placed co-accused in this case have been granted bail by this Court



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in Crl.O.P.No.8375 of 2023 vide order dated 17.04.2023. He also submitted that the petitioner is in custody from 06.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on account of previous enmity, the petitioner, who was arrayed as A3, along with other accused has waylaid the victim and attacked him with knife and caused injuries to him. He also submitted that the victim was treated as out patient and discharged on the same day of occurrence. He further submitted that no previous case is pending against the petitioner. However, 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the fact that the co-accused have been granted bail by this Court 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, 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 petitioner shall stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station, everyday at 10.30 a.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



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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.

18.04.2023

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To

1. The Judicial Magistrate No.I,
Perambalur District.
2. The Inspector of Police,
Perambalur Police Station,
Perambalur District.
3. The Sub Jail,
Perambalur.
4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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