



Crl.O.P.No.8525 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

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Janagiraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gingee Police Station,
Villupuram District.

(Crime No.168 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.168 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.V.R.Appaswamee

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 23.03.2023, for the offences punishable under Sections 120 (B), 294(b) & 307 of IPC, in Crime No.168 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A2 has an illicit intimacy with A1/petitioner herein and when it was questioned by the husband of A2, A1 & A2 have conspired together and attempted to do away with him, by abusing and assaulting him with knife. 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 the de-facto complainant, on suspecting that the petitioner(A1) was having an illegal affair with A2, has lodged a false complaint as against the petitioner, as if the petitioner had attempted to commit murder of him. He also submitted that even as per the prosecution, the victim has been discharged from the hospital and the second accused has



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also been enlarged on bail by this Court in Crl.O.P.No.8455 of 2023 dated 19.04.2023. He further submitted that the petitioner has nothing to do with the alleged offence and he is in custody from 23.03.2023 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 respondent submitted that on account of the dispute with regard to the illicit intimacy of A2/wife of the victim with A1, A1 & A2 have conspired together and attempted to commit murder of the victim, by assaulting him with knife. He further submitted that the injured victim has been treated as in-patient and discharged from the hospital on 12.04.2023, however, he vehemently 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, Gingee**, 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 Virudhunagar and report before the Inspector of Police, Virudhunagar West Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

20.04.2023

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To

1. The Judicial Magistrate,
Gingee.
2. The Inspector of Police,
Gingee Police Station,
Villupuram District.
3. The District Jail,
Villupuram.
4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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