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Crl.O.P.No.9186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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

Crl.O.P.No.9186 of 2023

R.Siva

... Petitioner

Vs.

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

(Crime No.105 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.105 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Tamilselvan

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 10.04.2023, for the offences punishable under Sections 294(b), 323, 324, 341, 307 & 506(ii) of IPC, in Crime No.105 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Rajaperumal is that his brother/victim is running a E-service centre by getting approval from the Authorities concerned, whereas, the first accused had given a false complaint against his brother and when the same was questioned by the victim, the first accused along with his friend has abused the victim and attempted to do away with him, by assaulting him with iron rod, due to which, he 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 previous dispute, the de-facto complainant has given a false complaint as against the petitioner. He also



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submitted that even as per the prosecution, the victim has been discharged from the hospital. He further submitted that the petitioner has nothing to do with the alleged offence and he is in custody from 10.04.2023 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 running of E-service center, the petitioner along with another accused had abused the de-facto complainant's brother and attempted to commit murder of him, by assaulting him with iron rod, due to which, he sustained grievous injuries. 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, 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, Tindivanam**, 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 Dindigul and report before the Inspector of Police, Dindigul Town North 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.

26.04.2023

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To

1. The Judicial Magistrate-II,
Tindivanam.
2. The Inspector of Police,
Brammadesam Police Station,
Brammadesam,
Villupuram District.
3. The Sub Jail,
Tindivanam.
4. The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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