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Crl.O.P.No.9464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9464 of 2023

Surya

... Petitioner

Vs.

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

(Crime No.117 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.117 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Rajasekar

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 25.03.2023, for the offences punishable under Sections 294(b), 324 & 307 of IPC, in Crime No.117 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the Manikandan s/o. Mokkan is that due to the existing family dispute, on 24.03.2023, the accused had abused one Karnan, who is the relative of the de-facto complainant, and attempted to murder him by assaulting him with wooden log and bottle, due to which, he sustained grievous injuries. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A1, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is none other than the brother-in-law of the victim/Karnan and due to the previous enmity, with regard to the family dispute, there was a wordy quarrel between them on 24.03.2023, whereas, in order to take revenge, the de-facto



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complainant has given a false complaint as against the petitioner and his relative. He further submitted that the petitioner is in custody from 25.03.2023 and hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. .

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that on account of the family dispute, the petitioner (A1) along with another accused had abused and assaulted the victim, who is none other than brother-in-law of the petitioner, with bottle and wooden log, due to which, he sustained grievous injuries. He also submitted that the injured has been discharged from the hospital and further, 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.



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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, Kunnam**, 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 **Manapparai** and report before the **Inspector of Police, Manapparai Police Station**, everyday at **10.30 a.m.**, for a period of **two weeks and thereafter**, report before the respondent everyday at **10.30 a.m.**, for a period of **two weeks and thereafter**, on every **Saturday 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.

28.04.2023

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To

1. The Judicial Magistrate ,
Kunnam.
2. The Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. The Central Prison,
Trichy.
4. The Inspector of Police,
Manapparai Police Station,
Manapparai District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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