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Crl.OP.No.10064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10064 of 2023

Rajasekar

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
Kuthalam Police Station,
Mayladuthurai.

(Crime No.87 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.87 of 2023 on the file of
the respondent Police.

For Petitioner : M/s.V.Venvizhi

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 27.03.2023 and remanded to
judicial custody on 28.03.2023 for the offence punishable under Sections
294(b), 307, 326, 342, 506(ii) of IPC, in Crime No.87 of 2023 on the file of the
respondent police, seeks bail.



CrI.OP.No.10064 of 2023

2. The case of the prosecution is that there are two accused, in which the petitioner is arrayed as A1. A2 is none other than the wife of the defacto complainant. It is alleged that the paramour of A2, assaulted the defacto complainant with knife and A2 also attacked the defacto complainant, due to which, he sustained injuries. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are two accused, in which the petitioner is arrayed as A1. A2 is none other than the wife of the defacto complainant. It is alleged that the paramour of A2, assaulted the defacto complainant with knife and A2 also attacked the defacto complainant, due to which, he sustained injuries. He also submitted that the injured has been discharged from the hospital on 08.03.2023. However, he vehemently opposed to grant bail to the petitioner.



Crl.OP.No.10064 of 2023

WEB COPY

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 28.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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 District and Sessions Judge, Mayiladuthurai 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.



CrI.OP.No.10064 of 2023

WEB COPY

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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CrI.OP.No.10064 of 2023

To

- 1.The District and Sessions Judge, Mayiladuthurai.
2. The Inspector of Police,
Kuthalam Police Station,
Mayladuthurai.
3. Mayavaram Sub Jail,
Central Prison.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.10064 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.10064 of 2023

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