



CrI.OP.No.9764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.OP.No.9764 of 2023

1. Sudharsan
2. Bharath
3. Bannu @ Sarathkumar
4. Pazhani
5. Kariyan @ Jayaprakash

... Petitioners/A1 to A5

Vs.

State Rep by
The Inspector of Police,
Pallikonda Police Station,
Pallikonda, Vellore Dt.
Crime No.101 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners on bail in crime No. 101 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.04.2023 for the alleged offence under Sections 147, 148, 294(b), 341, 324, 307 I.P.C. and 4 of Women Harassment Act, in Crime No.101 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during the local body election, mother of one Karthick, who is practising as an advocate, contested for the post of ward member, in which, mother of A1 also contested for the said post, thereby, there was an enmity between them. Due to the said enmity, the 1st accused family also developed enmity with husband of petitioner, since he is working as driver under Karthick. While being so, on 13.04.2023, when the husband of defacto complainant was on the wheel of vehicle, the petitioners said to have waylaid him and attacked him with aruval, thereby he sustained injuries. Hence, the present complaint was lodged against the petitioners.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution. He would further submit that due to previous enmity, the petitioners were falsely implicated in the present case and they have never involved in the said offence. However, the defacto complainant was used as sheep got by the said Karthick in order to revenge the petitioners and their family members. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that totally, there are 5 accused involved in the said case and there are two previous cases as against 2nd accused. He would also submit that a goondas proposal is already sent as against 1st petitioner and the petitioners were arrested only on 14.04.2023. He would submit that on the date of occurrence, due to previous enmity, when the husband of defacto complainant was riding his vehicle, the petitioners have waylaid



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him and attacked him with aruval, thereby he sustained injuries. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally five accused, in which the petitioners are arrayed as A1 to A5. Due to previous enmity, when the husband of defacto complainant riding his vehicle, the petitioners have waylaid him and attacked him with aruval, thereby he sustained injuries. However, so far as 1st petitioner is concerned, as there is a goondas proposal already sent against him, this Criminal Original Petition is dismissed as against the 1st petitioner.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners 2 to 5, this Court is inclined to grant bail to the petitioners 2 to 5.

6. Accordingly, the petitioners 2 to 5 are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the



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satisfaction of the learned **Judicial Magistrate No.V, Vellore** 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 petitioners 2 to 5 shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter report before the respondent police as and when required for interrogation (OR) until further orders.

[c] the petitioners 2 to 5 shall not abscond either during investigation or trial.

[d] the petitioners 2 to 5 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 petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.V,
Vellore.
- 2.The Inspector of Police,
Pallikonda Police Station,
Pallikonda, Vellore Dt.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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