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CrI.O.P.No.10663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

CrI.O.P.No.10663 of 2023

Moorthi

Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
(Crime No.364 of 2003)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in PRC No.2 of 2008 on the file of
the District Munsif cum Judicial Magistrate, Vanur, Villupuram District in
Crime NO.364 of 2003 on the file of the respondent police.

For Petitioner : Mr.V.Perarasu

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.03.2023, for the offences punishable under Sections 364, 379 and 343
of IPC in Crime No.364 of 2003 on the file of the respondent police, seeks
bail.



2. The case of the prosecution is that the *de facto* complainant is a Lorry Driver and while he was driving the Lorry along with his cleaner from Puducherry to Hyderabad for unloading coconut oil, the accused assaulted the *de facto* complainant and took the lorry along with the coconut oil load. Hence the complaint. In this case there are totally eight accused and the petitioner is arrayed as A2.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 10.03.2023 and he suffered incarceration for a period of 60 days. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose to grant bail to the petitioner stating that the petitioner along with other accused had assaulted the *de facto* complainant. He further submitted that the trial Court had issued NBW against the petitioner due to his non-appearance. If the petitioner is released on bail, there will be a chance for absconding.



5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration, this Court is inclined to grant bail to the petitioner on the following conditions;

[a] 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**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District.**

[b] 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;

[c] the petitioner shall report before the concerned Court daily at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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

11.05.2023

bkn/ssr

To

1. The District Munsif cum Judicial Magistrate, Vanur, Villupuram District
2. The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

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