



Crl.O.P.Nos.10711 & 10719 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.Nos.10711 & 10719 of 2023

S.Balu ... Petitioner in Crl.O.P.No.10711 of
2023

Sekar ... Petitioner in Crl.O.P.No.10719 of
2023

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.

(Crime No.234 of 2023). ... Respondent in both
Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439
of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in Crime
No.234 of 2023 pending on the file of the respondent Police.

In both Crl.O.Ps



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For Petitioners : Mr.E.Sathiyaraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.04.2023, for the offence punishable under Sections 294(b), 324, 307 and 506(ii) of IPC, in Crime No.234 of 2023, registered on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant/Chandiran is that due to the dispute over raising the livestock, there was a scuffle between the accused and the de-facto complainant, due to which, the accused through their dog, attacked the son of the de-facto complainant and also by abusing the de-facto complainant and his son in a filthy language, assaulted them with wooden log stone, resulting in which, they sustained injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the de-facto complainant is the one, who had entered into the house of the petitioners and quarrelled with them and later,



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gave a false complaint against the petitioners. He further submitted that the petitioners are in custody from 15.04.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to the previous dispute, the petitioners along with other accused have abused and attacked the de-facto complainant and his son with wooden log and also attacked the son of the defacto complainant through their dog, due to which, they sustained injuries. He further submitted that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital and also



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considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Tiruvannamalai**, 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 shall report before the respondent Police daily twice at 10.00 a.m and 6.00 p.m., until further orders/;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 in accordance



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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]***;

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

17.05.2023

vkr

To

1. The Judicial Magistrate No.II,
Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

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