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Crl.O.P.No.10701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10701 of 2023

S.Marlinga

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

(Crime No.64 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.64 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Esakkimuthu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.04.2023, for the offence punishable under Sections 147, 148, 294(b),



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323, 324 and 307 of IPC, in connection with Crime No.64 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between two groups in Kottayur Village during temple festival, due to which, there was enmity between the petitioner and the defacto complainant. Subsequently, on the date of occurrence, the petitioner along with other accused have abused the defacto complainant by using filthy language and assaulted him with knife and also attempted to murder him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in fact the defacto complainant had assaulted the petitioner at the time of occurrence and had given a false case against him. Based on that incident, the petitioner had already lodged a complaint before respondent police on 13.04.2023 and a case has been registered in Crime No.63 of 2023. Later as a counter blast, the defacto complainant had given a complaint in Crime No.64 of 2023. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to previous enmity, the petitioner along with other accused have abused the defacto complainant by using filthy language and assaulted him with knife and also attempted to murder him. He also submitted that the injured has been discharged from the hospital and it is a case of communal clash and if the petitioner is granted bail, it would lead to law and order problem and hence, the petitioner may be directed to stay elsewhere. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 by the learned counsel for the petitioner and it is a case and a case in counter and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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, Thenkanikottai** 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 Vellore and report before the Inspector of Police, Vellore Town Police Station, daily at 10.30 a.m., until further orders;

[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]***;



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

10.05.2023

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To

1. The Judicial Magistrate,
Thenkanikottai.
2. The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
3. The Sub Jail,
Hosur.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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