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CrI.O.P.No.11405 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11405 of 2023

1.Paranjothi

2.Jayaprakash

... Petitioners

Vs.

State represented by,
The Station House Officer,
Vadalur Police Station,
Vadalur, Cuddalore District.
(Crime No.135 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.135 of 2023 pending
investigation, on the file of the respondent police.

For Petitioners : Mr.R.Suryaprakash

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 23.04.2023, in connection with Crime No.135 of 2023 registered



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for the offence punishable under Sections 294(b), 342, 323 and 307 of IPC, seek bail.

2.The case of the prosecution as per the defacto complainant is that, on 23.04.2023 around 2.00 p.m, while he was working in his wielding shop situated at Kottaikarai, Vadalur, at that time, the petitioners went to the defacto complainant's shop and threatened him and assaulted him by weapon and thereby, the defacto complainant got injured. Hence, the complaint.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and due to previous motive between the petitioners and the defacto complainant, he has been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are in judicial custody for the past 25 days. He also submitted that it is a case and case in counter. He would further submit that without prejudice to his contentions, the petitioners are prepared to deposit an amount of Rs.5,000/- each, towards any charitable organization or association. Hence, he prayed for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are three accused in this case and the petitioners herein are arrayed as A2 and A3. He further submits that this is the case and case in counter. He further submits that, due to previous enmity, the petitioners went to the defacto complainant's wielding shop and threatened him and assaulted him with the help of wooden log and thereby, the defacto complainant got injured. He further submitted that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and the injured has been discharged from the hospital and also it is a case and case in counter and also taking note of the fact that the petitioners without prejudice to their right, they are ready to deposit a sum of Rs.5,000/- each, towards any charitable organization or association, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioners are directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each, as non-refundable deposit to the credit of Karthika Public Educational and Charitable Trust, Mayiladuthurai, SB A/C No. 497663303 Indian Bank Branch Code:00165 IFSC Code: IDIB000M023** and on such deposit, the petitioners are ordered to be released on bail on executing separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Kurinjipadi**, 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 at 10.00 a.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,



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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];***

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

18.05.2023

drl

To

1. The District Munsif cum Judicial Magistrate,
Kurinjipadi
2. The Station House Officer,
Vadalur Police Station,
Vadalur, Cuddalore District.
3. The Superintendent,
Central Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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