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CrI.O.P.No.11384 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.11384 of 2023

Ilakiyaraj

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai District.
(Crime No.84 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation of the case in
Crime No.84 of 2023, on the file of the respondent police.

For Petitioner : Mr.M.Vijayaraghavan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.05.2023, in connection with Crime No.84 of 2023 registered for the



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offence punishable under Sections 294(b), 352, 506(ii) of IPC altered into Sections 294(b), 352, 506(ii) and 307 of IPC, seeks bail.

2.The case of the prosecution as per the defacto complainant is that, he is running a pawn shop at Nangur Bazaar, in which, the petitioner had pledged his jewel on 14.04.2023 for a sum of Rs.11,000/-. Subsequently, on 26.04.2023, when the petitioner came to his shop to redeem his jewel, the defacto complainant asked to pay a sum of Rs.11,370/-, for which, the petitioner refused to pay the additional sum of Rs.370/- and he scolded the defacto complainant in filthy language and attacked him and also threatened him with dire consequences. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to wordy quarrel between the petitioner and the defacto complainant, he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in judicial custody for the past 12 days. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.10,000/- towards any charitable



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organization or association. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to wordy quarrel between the petitioner and the defacto complainant, on account of additional payment to redeem the petitioner's jewel, for which, the petitioner attacked the defacto complainant and also threatened him with dire consequences. He further submitted that the injured has been discharged from the hospital and two witnesses have been examined. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and two witnesses have been examined and also the injured has been discharged from the hospital and also taking note of the fact that the petitioner without prejudice to his right, he is ready to deposit a sum of Rs.10,000/- 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 petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of Ramakrishna Math, No.31, Ramakrishna Math Rod, Mylapore, Chennai – 600 004** and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sirkazhi**, 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 report before the respondent Police daily at 10.00 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



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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]***;

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

18.05.2023

drl

To

1. The Judicial Magistrate Court,
Sirkazhi.
2. The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai District.
3. The Sub Jail, Sirkazhi.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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