



Crl.O.P.No.12500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12500 of 2023

Vijay

... Petitioner

Vs.

State represented by
The Inspector of Police
Peralam Police Station
Tiruvarur District
(Crime No.148 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.148 of 2023 on the file
of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on **04.04.2023** for the offences punishable under Sections 448, 147, 148, 427, 294(b), 324, 307, 302, 342 and 34 of IPC, in Crime No.148 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and others had unlawfully assembled, trespassed into the house of the deceased and damaged the house properties and also scolded the deceased with filthy language. Further, they also assaulted the deceased with knife attempting to commit murder, thereby, he died. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of A1. Even as per the prosecution, the specific overt-act attributed against the petitioner is that, he is alleged to have caught hold of the deceased when the other accused persons were assaulting the deceased with knife. He would submit that this is the 2nd application for bail and the earlier application filed by the petitioner in CrI.O.P.No.10360 of 2023 was dismissed by this Court on 05.05.2023 and that the petitioner has



been suffering incarceration from 04.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that there are totally 10 accused in this case and the petitioner is arrayed as A6 and that he is the friend of A1. On the date of occurrence, the petitioner had accompanied the other accused and caught hold of the deceased when the other accused persons were assaulting the deceased with knife. He further submitted that the investigation is pending.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

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 undergone by the petitioner and also taking into consideration of the overt-act attributed against the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



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 District Munsif-cum-Judicial Magistrate, Nannilam** 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 Chennai and report before the Inspector of Police, Velacherry Police Station, everyday at 10.30 a.m. and 06.30 p.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 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]***;



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

06.06.2023

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To

1. The District Munsif-cum-Judicial Magistrate, Nannilam
2. The Inspector of Police
Peralam Police Station
Tiruvarur District
3. The District Jail, Nagapattinam
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
Velacherry Police Station, Chennai



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A.D.JAGADISH CHANDIRA,J.,

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