



Crl.O.P.No.12370 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.12370 of 2023

Sarathkumar

... Petitioner

Vs.

State by
Station House Officer,
Anandapuram Police Station
Villupuram District.
Crime No.91 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.91 of 2023
pending on the file of the respondent police.

For Petitioner : Mr.S.Vijayaraghavan

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 **17.04.2023** for the offenceS punishable under Sections 294(b), 324, 307 and 506(2) IPC, in Crime No.91 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Purushothamman is that due to dispute with regard to construction of house, the petitioner along with other accused assaulted the defacto complainant with knife due to which, he sustained injuries. 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. He further submitted that the petitioner and the defacto complainant are relatives and the other accused/A1 and A3 have already been granted anticipatory bail by the Vacation Sessions Judge, Villupuram in Crl.M.P.No.3670 of 2023 by order dated 12.05.2023. He further submitted that the petitioner has been suffering incarceration from 17.04.2023. 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 the petitioner along with other accused attacked the defacto complainant on his stomach by using knife. However, he would submit that the injured has been discharged from the hospital and there is no previous case against the petitioner.

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 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 of the fact that the injured has been discharged from the hospital, 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 Judicial Magistrate, Gingee**, and on further conditions that:



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[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 Dharmapuri and report before the Inspector of Police, Town Police Station, everyday 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 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.

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To

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1. The Judicial Magistrate, Gingee.
2. The Station House Officer,
Anandapuram Police Station
Villupuram District.
3. The Jailer,
Sub Jail, Gingee.
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police,

Town Police Station, Dharmapuri



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A.D.JAGADISH CHANDIRA,J.,

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