



Crl.O.P.No.12666 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.12666 of 2023

Mathesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peralam Police Station,
Thiruvarur District
(Crime No.175 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.175 of 2023, on the file
of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor(Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.04.2023, in connection with Crime No.175 of 2023 registered for the



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offences punishable under Sections 294(b), 324, 307, 506(ii) @ 294(b), 307 and 506(ii) of IPC, seeks bail.

2. The case of the prosecution is that the petitioner and the son of the defacto complainant are working under the same contractor. There arose a dispute between them due to which the petitioner abused the son of the defacto complainant in filthy language and attacked on his head and neck with knife. Hence, the son of the defacto complainant sustained injuries. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person. He was arrested on 24.04.2023 and is in judicial custody for 56 days. He further submitted that the injured was discharged from the hospital and hence, he prayed for grant of bail to the petitioner.

4. Learned learned Additional Public Prosecutor (Crl.Side) appearing for the respondent submitted that the petitioner had abused and attacked the victim with knife causing injuries to him. In this case, five witnesses have been examined. Now the injured has been discharged from the hospital. However, he strongly opposed for grant of bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 56 days, five witnesses have been examined and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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 District Munsif-cum-Judicial Magistrate Court, 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 report before the respondent police everyday at 10.30 a.m., until further



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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]*;

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

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gv



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To

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



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A.A.NAKKIRAN, J.

gv

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