



Crl.O.P.No.12706 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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

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Natesan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Thirunavalur Police Station,

(Crime No.226 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.226 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.M.Elumalai

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2023, for the offence punishable under Sections 294(b), 324, 307 & 506(ii) of IPC, in connection with Crime No.226 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to the property dispute, the petitioner, who is the own brother of the victim/Bakkiyaraj, had abused and assaulted the victim with deadly weapon, due to which, he sustained grievous injuries and he had also lost his thumb fingers. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner, who is none other than the own brother of the victim/Bakkiyaraj, is an innocent person and he has been falsely implicated in this case. He further submitted that admittedly, there exists a property dispute between the petitioner and the victim, due to which, a false complaint has been given as against the petitioner. He also submitted that the petitioner is in custody from 10.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the property dispute, the petitioner had assaulted his own brother/Bakkiyaraj with Aruval, due to which, he sustained grievous cut injuries on the thumbs of both hands. He also submitted that the injured has been discharged from the hospital on 28.05.2023 and the investigation in this case is still pending. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.50,000/-, to the credit of crime number before the Court concerned and he has no objection to the amount being disbursed to the victim for his medical expenses. Therefore, he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital and also considering the fact that the petitioner has volunteered to deposit a sum of Rs.50,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.226 of 2023**, without prejudice to his rights and contentions, before the Court concerned and on such deposit, 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, Ulundurpet**, 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;



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[b] the petitioner shall report before the respondent Police, 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 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.

9. Further, the learned Magistrate is directed to disburse the amount to the injured person, after issuance of notice and proper identification and acknowledgement.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate,
Ulundurpet.
2. The Sub-Inspector of Police,
Thirunavalur Police Station.
3. The Sub Jail,
Ulundurpet .
4. The Public Prosecutor,
High Court of Madras.

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