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Crl.O.P.No.13356 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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

Crl.O.P.No.13356 of 2023

Raghupathy

... Petitioner

Vs.

State rep by
The Inspector of Police
Roshanai Police Station,
Villupuram District.
Crime No.214 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.214 of 2023 on the file
of the respondent police.

For Petitioner : Mr.A.Udhayachandiran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 31.05.2023 for the offences punishable under Sections 294(b), 324 and
307 of IPC in Crime No.214 of 2023 on the file of the respondent police,
seeks bail.



2. The case of the prosecution as per the defacto complainant/

Jawahar is that due to previous enmity on account of property dispute, the petitioner has abused the defacto complainant, who is the own brother of the petitioner and assaulted him by using knife, due to which, he sustained grievous injuries on his chest. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is none other than the brother of the defacto complaint and that due to property dispute, a false complainant has been given against him. He further submitted that the injured has been discharged from the hospital and that he is in custody from 31.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to previous enmity on account of property dispute, the petitioner has abused the defacto complainant, who is the none other than the brother of the petitioner and assaulted him by using knife. He further submitted that the injured has been discharged from the hospital. Hence, he opposed for grant of bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 No.I, Tindivanam** 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 orders;



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[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.

19.06.2023

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To

1. The Judicial Magistrate No.I,
Tindivanam.
2. The Inspector of Police
Roshanai Police Station,
Tindivanam, Villupuram District.
3. The District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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