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CrI.O.P.No.13412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.13412 of 2023

1.S.Poobalan
2.R.Vinoth @ Vinothkumar
3.S.Ganesan
4.B.Kishore

... Petitioners

Vs.

State rep by
The Inspector of Police
Kandamangalam Police Station,
Kandamangalam, Villupuram District.

Crime No.165 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.165 of 2023 on the file
of the respondent police.

For Petitioners : Mr.G.Tamilselvan

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

ORDER

The petitioners, who were arrested and remanded to judicial



custody on 24.05.2023 for the offences punishable under Sections 294(b), 324, 307 of IPC r/w 109 of IPC @ Sections 147, 148, 120B, 294(b), 324, 307 of IPC r/w 109 of IPC in Crime No.165 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/ Arivazhagan is that due to previous enmity between A1 and the defacto complainant with regard to the murder case in the year 2009, there was a quarrel, during the quarrel, the accused have abused the defacto complainant in a filthy language and assaulted him by using sword, due to which, he sustained head injury. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to previous enmity, a false and exaggerated complaint has been given against him. He further submitted that the injured has been discharged from the hospital and that he is in custody from 24.05.2023. 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 between A1 and the



defacto complainant with regard to the murder case in the year 2009, there was a quarrel, during the quarrel, the accused have abused the defacto complainant in a filthy language and assaulted him by using sword, due to which, he sustained head injury. He further submitted that the injured has been discharged from the hospital. He also submitted that there are five previous cases pending against the first petitioner and there are three previous cases pending against the second petitioner and no previous case is pending against the petitioners 3 and 4. Hence, he opposed for grant of bail to the petitioners.

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

6. Taking into consideration of the fact that the petitioners 1 and 2 herein have got some previous cases, this Court is not inclined to grant bail to the petitioners 1 and 2. As far as the petitioners 3 and 4 are concerned, this Court is inclined to grant bail with certain conditions.

7. Accordingly, the petitioners 3 and 4 are ordered to be released on bail on their executing a separate 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.II, Villupuram** 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 petitioners 3 and 4 shall stay at Pudukottai and report before the Inspector of Police, Pudukottai Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners 3 and 4 shall not abscond either during investigation or trial;

[d] the petitioners 3 and 4 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 petitioners 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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.

19.06.2023

vkrr

To

1. The Judicial Magistrate No.II,
Villupuram.
2. The Inspector of Police
Kandamangalam Police Station,
Kandamangalam, Villupuram District.
3. The Inspector of Police,
Pudukottai Town Police Station.
4. The District Prison,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

vkrr

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