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Crl.O.P.No.13363 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

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

Crl.O.P.No.13363 of 2023

1. E.Saravanan

2. S.Manikandan @ Suththimani

... Petitioners

Vs.

The State represented 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.,
pleased to grant bail to the petitioners, in Crime No.165 of 2023, pending
investigation on the file of the respondent Police.

For Petitioners : Mr.G.Tamilselvan

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



Crl.O.P.No.13363 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.05.2023, for the offence punishable under Sections 294(b), 324, 307 of IPC r/w 109 of IPC @ 147, 148, 120B, 294(b), 324, 307 of IPC r/w 109 of IPC, in connection with Crime No.165 of 2023, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the first accused used to create a ruckus in the village, due to which, there was a previous enmity between the de-facto complainant and the first accused. While so, on 22.05.2023, on the inducement of the first accused, the other accused had abused and threatened the de-facto complainant and also attempted to murder him, by assaulting him with a knife. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners (A5 & A6 respectively) are innocent persons and they are no way connected with the alleged offence, whereas, they have been falsely implicated in this case. He further submitted that even the names of the petitioners do not find place in the First Information Report. He also submitted that the petitioners



Crl.O.P.No.13363 of 2023

are in custody from 24.05.2023 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioners along with other accused, had abused and assaulted the de-facto complainant with knife, due to which, the de-facto complainant had sustained grievous injuries. He further submitted that the petitioners, who are arrayed as A5 & A6 respectively are the hirelings of the first accused. He also submitted that the injured has been discharged from the hospital on 28.05.2023. He also submitted that investigation in this case is still pending and there is previous case against these petitioners. However, 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 Police and perused the entire materials available on record.



CrI.O.P.No.13363 of 2023

6. 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 period of incarceration undergone by these petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond, each 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 - 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 shall stay at Chennai and report before the Inspector of Police, C1 Elephant Gate Police Station, everyday at 10.30 a.m., until further orders;

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



WEB COPY



CrI.O.P.No.13363 of 2023

[d] the petitioners 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 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.

20.06.2023

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To

1. The Judicial Magistrate - II,
Villupuram.
2. The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.
3. The District Prison,
Villupuram.
4. The Inspector of Police,
C1 Elephant Gate Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13363 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.13363 of 2023

20.06.2023