



WEB COPY



Crl.O.P.No.13509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13509 of 2023

M.Selvaraj

... Petitioner

Vs.

State rep by
The Inspector of Police
Veppadai Police Station,
Namakkal District.

Crime No.168 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.168 of 2023 on the file
of the respondent police.

For Petitioner : Mr.S.Saranraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.05.2023 for the offences punishable under Sections 294 (b) and 307 of
IPC in Crime No.168 of 2023 on the file of the respondent police, seeks bail.



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

Silambarasan is that dispute on account of money transaction, there was a quarrel and during the quarrel, the petitioner has abused the defacto complainant and assaulted him by using knife, due to which, he sustained grievous injuries. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to money dispute, he has been falsely implicated in this case. He also submitted that the injured has been discharged from the hospital and that he is in custody from 29.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that dispute on account of money transaction, there was a quarrel and during the quarrel, the petitioner has abused the defacto complainant and assaulted him by using knife, due to which, he sustained grievous injuries. 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 on either side 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, Komarapalayam** 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 stay at Chennai and report before the Inspector of Police, Esplanade Police Station, 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



WEB COPY



CrI.O.P.No.13509 of 2023

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

vk

To

1. The Judicial Magistrate,
Komarapalayam.
2. The Inspector of Police
Veppadai Police Station,
Namakkal District.
3. The Inspector of Police,
Esplanade Police Station,
Chennai.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13509 of 2023

A.D.JAGADISH CHANDIRA,J.,

vkrr

Crl.O.P.No.13509 of 2023

19.06.2023