

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14322 of 2023

Ravi

... Petitioner

Vs.

State rep by
The Inspector of Police
Pallikonda Police Station,
Vellore District.

Crime No.100 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.100 of 2023 on the file
of the respondent police.

For Petitioner : Mr.N.Sudharsan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.04.2023 for the offences punishable under Sections 294(b), 323, 324,
307 and 506(ii) of IPC in Crime No.100 of 2023 on the file of the respondent
police, seeks bail.

2. The case of the prosecution is that due to previous enmity on account of temple festival, the petitioner along with other accused have abused the defacto complainant in a filthy language and assaulted him with knife and iron rod and also threatened him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He further submitted that the fact remains that the petitioner has got two previous cases against him and in order to keep the petitioner in continued fetters, a false case has been foisted against him. He further submitted that the petitioner was detained under Act 14 and later, detention order was revoked by the Advisory Board. He also submitted that the petitioner is in custody from 12.04.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that due to previous enmity on account of temple festival, the petitioner along with other accused have abused the defacto complainant in a filthy language

and assaulted him with knife and iron rod and also threatened him. He further submitted that there are two previous cases pending against the petitioner. Hence, he prayed for grant of dismissal of the petition.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, 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.V, Vellore** 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.

[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.

27.06.2023

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To

1. The Judicial Magistrate No.V,
Vellore.
2. The Inspector of Police
Pallikonda Police Station, Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

vk

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