

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.14340 of 2023

K.Sakthivel

... Petitioner

Vs.

State rep by
The Inspector of Police
Vedaranyam Police Station,
Nagapattinam District.

Crime No.317 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No. 317 of 2018 on the file
of the respondent police.

For Petitioner : Mr.S.Esakkimuthu

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,
506(ii) and 307 of IPC in Crime No. 317 of 2018 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner has abused the defacto complainant's husband in a filthy language and assaulted him with knife, threatened him and also attempted to murder him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the petitioner is in custody from 31.05.2023 and that the investigation has been completed and the final report has been filed. 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, the petitioner has abused the defacto complainant's husband in a filthy language and assaulted him with knife, threatened him and also attempted to murder him. He would further submit that the injured has been discharged from the hospital. He would also submit that the draft charge sheet has also been filed before the learned Judicial Magistrate, Vedharanyam. Hence, he would oppose 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 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, Vedaranyam**, 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 learned Judicial Magistrate, Vedaranyam, on all working days for a period of two weeks and thereafter, on the date fixed by the learned Magistrate;

[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

vk

To

1. The Judicial Magistrate,
Vedaranyam.
2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
3. The Sub Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

vk

Crl.O.P.No.14340 of 2023

27.06.2023