

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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

Crl.O.P.No.14321 of 2023

1. Ganesh @ Ganesh Kumar

2. Sammanthan @ Sampath

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

(Crime No.145 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.145 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.D.Dayalan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.06.2023, for the alleged offences under Sections 294(b), 324, 307 & 506(ii) of IPC, in Crime No.145 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the previous enmity, the accused/petitioners had abused the *de facto* complainant in a filthy language and assaulted him with iron rod, due to which, he sustained grievous injuries on his head and hands and further, they have threatened him with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He also submitted that due to the previous enmity, the de-facto complainant had given a false complaint as against these petitioners. He further submitted that the petitioners have nothing to do with the alleged offence and they have been unnecessarily roped in this case. He further submitted that the petitioners are in custody from 09.06.2023 and they are

ready to abide by any stringent conditions that may be imposed by this Court.

Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to the previous enmity, the petitioners/accused, had abused the de-facto complainant in a filthy language and assaulted him with an iron rod, due to which, he sustained grievous injuries in his head and hands. He also submitted that the injured has been discharged from the hospital and the investigation in this case is still pending. He further submitted that two previous cases are pending against the first petitioner and in respect of second petitioner, there is no previous case. 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 materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides and also

taking note of the previous cases pending against the first petitioner, this Court is not inclined to grant bail to the first petitioner. However, on considering the fact that there is no previous case pending against the second petitioner and also the injured has been discharged from the hospital, this Court is inclined to grant bail to the second petitioner with certain conditions

7. Accordingly, the criminal original petition in respect of the first petitioner stands dismissed and in respect of the second petitioner, the criminal original petition stands ordered and the second petitioner is ordered to be released on bail on his executing a 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 No.I, Walajapettai**, 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 second petitioner shall stay at Chennai and report before the Inspector of Police, B1 North Beach Police Station, everyday at 10.30 a.m.,

until further orders;

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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

A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.I,
Walajapettai.
2. The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
B1 North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.

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