

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.14295 of 2023

1. Santhosh

2. Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

(Crime No.248 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.248 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.E.Kannadasan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.05.2023, for the alleged offences under Sections 294(b), 323 & 307 of IPC, in Crime No.248 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that since the de-facto complainant had questioned the accused persons for knocking his vehicle, which was parked in front of his house, there was a quarrel between them, during which, the accused had abused the de-facto complainant in a filthy language and assaulted him with a knife, due to which, the *de facto* complainant sustained grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners, who are aged about 20 & 23 years respectively, are innocent persons and they have been falsely implicated in this case. He also submitted that other than being present at the scene of occurrence, the petitioners have not committed any offence, whereas, the petitioners have been unnecessarily

roped in this case. He further submitted that the petitioners are in custody from 28.05.2023 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 on 21.05.2023, when the de-facto complainant had questioned the accused persons for knocking his vehicle, which was parked in front of his house, the petitioners (A2 & A3 respectively) along with A1 had abused the de-facto complainant in a filthy language and assaulted him with a knife, due to which, the *de facto* complainant sustained grievous injuries. 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 no previous case is pending 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 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, taking note of the period of incarceration undergone by the petitioners and also considering the fact that no previous case is pending against these petitioners and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

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, Gudiyatham**, 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 report before the respondent Police, everyday at 10.30 a.m. for a period of four weeks and thereafter, on every Saturday at at 10.30 a.m., until further orders;

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

[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.

27.06.2023

To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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