



Crl.OP.No.14595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14595 of 2023

1. Aathi
2. Rajkumar

..Petitioners

Vs.

The State Represented by,
The Sub Inspector of Police,
Desur Police Station, Desur,
Tiruvannamalai District.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.73 of 2023 pending
on the file of the respondent.

For Petitioners : Mr.B.Jawahar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.06.2023 for the offences punishable under Sections 294(b), 324, 307 of IPC in Crime No.73 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in Crime No.73 of 2023. There was a dispute between the petitioner and the defacto complainant in connection with a false case given by the defacto complainant. He further submitted that, petitioner is in Judicial Custody from 14.06.2023. Thus, he prayed for bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, there is a long standing dispute between the parties. On the complaint given by the defacto complainant, enquiry was conducted in C.S.R.No.174 of 2023. Even after the enquiry, petitioners along with others involved in the incident and caused injuries on the head of the defacto complainant using iron rod.



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4. Considered the rival submissions and perused the records.

The discharge summary of the defacto complainant shows that, she was suffered with multiple injuries. However, the details of the injuries are not given in the discharge summary. It is further seen that, injured has been discharged from the hospital. In the said circumstances, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Vandavasi** 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 daily at 10.30.a.m., until further orders.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

30.06.2023

Sma



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To

1. The Judicial Magistrate,
Vandavasi
2. The Sub Inspector of Police,
Desur Police Station, Desur,
Tiruvannamalai District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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30.06.2023