



Crl.OP.No.15182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

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

Crl.OP.No.15182 of 2023

1.Kottishwaran

2.Venkatesan

..Petitioners

Vs.

The State Rep by
Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
(Crime No.165 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Cr.No.165 of 2023 pending
on the file of the respondent Police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.06.2023 for the offences punishable under Sections 294 (b), 323, 324, 506 (ii) r/w 307 I.P.C in Crime No.165 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are accused in Cr.No.165 of 2023 registered for the offences under Sections 294 (b), 323, 324, 506 (ii) r/w 307 I.P.C. Petitioners are falsely implicated and they are in judicial custody from 12.06.2023. He also submitted that co-accused was granted anticipatory bail in Crl.O.P.No.14384 of 2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that defacto-complainant forced the first accused to have unnatural sexual relationship with him and that was the cause for the incident. Now the injured had been discharged from hospital.



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4.Considered the rival submissions and perused the records.

5.In the nature, facts and circumstances of the case, this Court is of the view that defacto-complainant in a way was responsible for the incident. Co-accused was granted anticipatory bail. Considering that the petitioners are in judicial custody from 12.06.2023, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- each** (Rupees Twenty Five thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Vellore, Vellore District**, 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



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respondent police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Judicial Magistrate No.1, Vellore.

2.The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

3.Central Prison,
Vellore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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