



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

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

Crl.O.P.No.16192 of 2023

Mayilraj

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.
Crime No.604/2022,

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in Crime No.604 of 2022 on the file
of the respondent police.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.05.2023, for the offences punishable under Sections 324, 341, 457, 506(ii) of IPC altered into 120(b), 341, 307 of IPC r/w 114, 326 and 427 of IPC in Crime No.604 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant / Senthikumar is that on 16.12.2022, while he was driving his Alto Car, bearing Registration No.TN 33 AP 8889 from his house towards Nalroad of Nathakadaiyur, some unknown persons, who have come in a rash and negligent manner in a Tipper Lorry while crossing, has dashed the car, due to which, the defacto complainant had followed the vehicle. While so, the said persons have driven the lorry slowly and later, came in a opposite direction and again dashed his Car. When the same was questioned by the defacto complainant, one Venkatesh, who is known to the defacto complainant, had instigated the driver to run the lorry over the defacto



complainant and he had also assaulted the defacto complainant with hammer. During such time, his lungi fell down and that the defacto complainant has picked up the hammer and the said Venkatesh along with the lorry driver had run away from the scene of occurrence. Since the defacto complainant had given a complaint against the accused person for smuggling, the accused, in a preplanned manner, had attempted to commit murder of him. Hence, the case.

3. Learned counsel for the petitioner would submit that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.O.P.No.13348 of 2023 vide order dated 26.06.2023 on the ground that the investigation was on the initial stage. He would further submit that now the investigation has been completed and the final report has been filed and the matter is pending committal in P.R.C.No.8 of 2023 on the file of learned Judicial Magistrate, Kangayam. He would further submit that the petitioner is in custody from 26.05.2023. He would further submit that the petitioner has no previous case. Therefore, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with one Venkatesh had attempted to kill the defacto complainant by running over him by a lorry. However, he would further submit that the investigation has been completed and the final report has been filed and would object for grant of bail.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Taking into consideration the facts and submissions and also taking note of the fact that the period of incarceration and the investigation has also been completed, this Court is inclined to grant bail to the petitioner with certain conditions.



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(a) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kangayam, Tiruppur District.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the learned Judicial Magistrate, Kangayam, Tiruppur District on all working days at 10.30 am until further orders.

(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 Judicial 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 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 absconds, a fresh FIR can
WEB COPY be registered under Section 229A IPC.

19.07.2023

AT

To

- 1.The Judicial Magistrate, Kangeyam, Tiruppur District.
- 2.The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.
- 3.The Superintendent of Prison,
Sub Jail, Tiruppur.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D. JAGADISH CHANDIRA,J.

AT

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