



Crl.OP.No.16215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

Crl.OP.No.16215 of 2023

Mental Kathir @ Kathir @ Kathiravan ...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Villupuram Town Police Station,
Villupuram. ...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in PRC.No.23 of 2023 on the file of the learned Judicial Magistrate No.1, at Villupuram.

For Petitioner : Mr.P.Ponbalaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023 for the offences punishable under Section 294 (b), 341, 323 and 307 I.P.C in PRC.No.23 of 2023 on the file of the learned



CrI.OP.No.16215 of 2023

Judicial Magistrate No.1, at Villupuram, seeks bail.

2.The learned counsel for the petitioner submitted that defacto-complainant is councillor. On the basis of false complaint given by him, petitioner is implicated as accused in PRC.No.23 of 2023 for the offence under Section 294 (b), 341, 323 and 307 I.P.C. He is in judicial custody from 30.03.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner demanded money from the defacto-complainant. When defacto-complainant refused, on 30.03.2023 at about 2.00 p.m. the petitioner waylaid him and tried to attack him with knife. However, defacto-complainant escaped from knife attack. There was no injury caused to defacto-complainant. Petitioner has ten previous cases pending.

4.Considered the rival submissions and perused the records.

5.Considering the facts and circumstances of the case, though the



CrI.OP.No.16215 of 2023

petitioner has ten previous cases pending against him, there is no injury caused to the defacto-complainant in this case, the fact that petitioner is in judicial custody from 30.03.2023 and that substantial part of investigation might have been completed by this time, and this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond 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, Villupuram**, 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 petitioner shall report before the respondent Police daily morning at 10.30.a.m., and evening at 5.00 p.m. until further orders.

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

[d] the petitioner shall not tamper with evidence or



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CrI.OP.No.16215 of 2023

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 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 be registered under Section 229A IPC.

21.07.2023

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CrI.OP.No.16215 of 2023

To

1.The Judicial Magistrate No.I,Villupuram

2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

3.Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.16215 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.16215 of 2023



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CrI.OP.No.16215 of 2023

21.07.2023