



Crl.O.P.No.16704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

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

Crl.O.P.No.16704 of 2023

S.Jeeva

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai District.
(Crime No.318 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in respect of Crime No.318 of 2023 on the file of Santhanasal Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.06.2023 for the offences punishable under Sections 294(b), 324 and 506(ii) IPC @ 120-B, 294(b), 307 and 506(ii) IPC in Crime No.318 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.318 of 2023 for the offences under Sections 294(b), 324 and 506(ii) IPC @ 120-B, 294(b), 307 and 506(ii) IPC. Defacto complainant and his son visited the shop of the accused and demanded them to vacate. It is alleged that, at that time, petitioner has assaulted the defacto complainant. Petitioner is innocent. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, the accused are the sub-tenants of Margabandu for the property of defacto complainants father. There is a dispute between them, in connection with vacating the premises by the accused. On 10.06.2023, at about 9.00 a.m., defacto complainant and his



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sister's brother namely Hari Prasath visited the shop. Selvamoorthy's son Jeeva and daughter Keerthi were there. When the defacto complainant informed them, about the undertaking given for vacating the premises, they responded, saying that, they will not vacate the shop. They waited there for 1 ½ hours for the arrival of Selvamoorthy. Then Keerthi threw a chair at them asking them not to sit there. Thereafter, defacto complainant and Hari Prasath sat on the ground. Keerthi kicked them. There was a heated argument between them. Suddenly, Jeeva and Udhaya came with a knife used for peeling coconuts and Jeeva stabbed on his left head. Udhaya tried to stab him. As a result, he suffered the following injuries,

“(i) Sutured wound 4x1 cm left parietal region, (ii) 3x1 cm left temporal region and (iii) 3x1 cm left clavicular region.”

He further submitted that, injured had been discharged from the hospital. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the incident and that injured had been discharged from the hospital and that material part of the



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investigation might have been over by this time and also that petitioner is in judicial custody from 26.06.2023, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a 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's Court, Polur, Thiruvannamalai** 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 at 10.30 a.m., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

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G.CHANDRASEKHARAN. J.

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To

1.The Judicial Magistrate's Court, Polur, Thiruvannmalai.

2.The Central Prison,
Vellore.

3.The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai District.

4.The Public Prosecutor,
High Court of Madras.

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