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Crl.O.P.Nos.357, 358 & 359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.357, 358 & 359 of 2024

David Andhuvan
S/o. Kuzhanthaisamy

... Petitioner/A5
in Crl.O.P.No.357 of 2024

1.Johnrichard @ Johnrichardraj
S/o. Franic Joseph

2.William Arockiaraj @ William Arockiyaraj Arputharaj
S/o. Arputham @ Arputharaj

3.Justinesanthoshkumar
S/o. Joseph

4.Amladass @ Amaladass
S/o.Irudayanathan

... Petitioners / A1, A2, A3 & A6
in Crl.O.P.No.358 of 2024

Arociyaraj @ Arockiaraj
S/o. Saminathan

... Petitioner / A4
in Crl.O.P.No.359 of 2024

Vs.

State represented by
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.

(Crime No.469 of 2023)

... Respondent / Complainant, in all Crl.O.Ps



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Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.469 of 2023 on the file of the respondent.

For Petitioners : Mr. Krishnasamy Chinnasamy,
in all Crl.O.Ps.

For Intervener : Mr.D.Ashokkumar, in all Crl.O.Ps.

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)
in all Crl.O.Ps.

COMMON ORDER

The accused 1, 2, 3 and 6 have filed Crl.O.P.No.358 of 2024, the accused 4 has filed Crl.O.P.No.359 of 2024 and A5 has filed Crl.O.P.No.357 of 2024, all in Crime No.469 of 2023, registered by the respondent police for the offences under Sections 147, 148, 294(b), 323, 324, 427, 506(2), 307 of IPC with respect to an occurrence which took place on 02.12.2023. They seek bail. 2.It is stated that there are totally seven accused and A7 had been granted anticipatory bail in Crl.O.P.No.27940 of 2023 by an order dated 03.01.2024.



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3.It is stated that the defacto complainant and another individual had a monetary dispute with A4. A7 is the brother of A4. It is stated that the defacto complainant and the other individual had gone over to the business premises of A7 and enquired about A4. Since no information came, they had assaulted A7. In respect of that, FIR in Crime No.468 of 2023 had been registered by the respondent. Thereafter, keeping that as motive, as a revenge, all the accused have violently attacked the defacto complainant.

4.The defacto complainant has also filed intervening applications and the learned counsel stated that the accused had been attacked him with deadly weapons and two fingers had also been cut. It is stated that he had to be admitted to a Private hospital and he had spent substantial money for his treatment. It is stated that there is continuous threat from these petitioners to the defacto complainant.

5.The learned Government Advocate (Crl. Side) for the respondent also affirmed the aforementioned facts and stated that the injured had to remain in hospital for a considerable period of days and stated that the injuries are also quite serious in nature and grievous.



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6.It is also stated that A2 has two previous cases against him, A3 has two previous cases against him, A4 has five previous cases against him and A5 has eight previous cases against him. It is stated that there is always every possibility of the accused absconding from justice or the further retaliation against the defacto complainant.

7.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners in all these criminal original petitions subject to the following conditions:

8.Accordingly, the petitioners in all these criminal original petitions are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court No.I, Ulundurpet**, 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.



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[b] the petitioners shall stay at Salem and report before the Town Police Station, Salem, everyday at 10.30 a.m., for a period of three weeks and thereafter, report before the respondent police everyday at 10.30 a.m., until further orders.

[c] Additionally, in view of the serious injuries caused, it would be appropriate that the petitioners to realise the seriousness of their offence, may also individually deposit a sum of Rs.12,000/- each to the credit of Crime No.469 of 2023 before the Magistrate concerned and on such deposit, the learned Judicial Magistrate I, Ulundurpet, may hand it over to the defacto complainant.

[c] the petitioners shall report before the respondent police everyday at 5:30 p.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9.It is made very clear that by this deposit, none of the petitioners are deemed to have admitted to the allegation of commission of the offences and they so deposit only by the orders passed by this Court. The defacto complainant is also at liberty to claim any other compensation in appropriate manner. If he does so, this amount which is so deposited should be adjusted if ever any further compensation is granted.

01.02.2024

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To

- 1.The Judicial Magistrate Court No.I, Ulundurpet.
- 2.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
- 3.The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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