



Crl.O.P.No.9177 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.9177 of 2024

Santhoshkumar,
S/o.Dhanapal

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai Dt.
(Crime No.6 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.6 of 2024 pending on the file of respondent police.

For Petitioner : Mr.E.Sathiyaraj Elangovan

For Respondent : Mr.V.Meganathan,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2024 for the alleged offence under Sections 147, 148, 294(b), 323, 307 of I.P.C. in Crime No.6 of 2024 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 09.01.2024, when the defacto complainant went to Government School for getting a token for Pongal benefit, the petitioner had collected the token for a death person, which was questioned by him, thereby there was a wordy quarrel arose between them, due to which, the petitioner along with other accused said to have attacked him with knife in hand and hip and also threatened him with dire consequences. As a result, he sustained injury and admitted in hospital. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected



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with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 15 days from 31.03.2024. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 3 previous cases pending against him and all the accused were secured, however, A2 and A4 were released on bail. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused attacked the defacto complainant with knife in hand and hip and also threatened him with dire consequences. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and co-accused were released on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) into the credit of Crime No.6 of 2024 before the concerned Magistrate and the defacto complainant is permitted to withdraw the amount on production of proper identification and acknowledgement, and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the Judicial Magistrate, Cheyyar, Tiruvannamalai and on further conditions that:**



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(a) 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;

(b) the petitioner shall report before the respondent Police on every Saturday at 10.30 a.m. for the period of twelve weeks;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Cheyyar,
Tiruvannamalai Dt.
2. Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai Dt.
3. The Superintendent of Prison,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V. THAMILSELVI, J.

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