



Crl.O.P.Nos.29029, 29136 and 29197 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.01.2024

PRONOUNCED ON : 11.01.2024

CORAM

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

Crl.O.P.Nos.29029, 29136 and 29197 of 2023

and

Crl.M.P.Nos.321, 284, 285 of 2024

1.Velu

S/o. Marimuthu

... Petitioner/A1 in Crl.O.P.No.29029 of 2023

2.P.Karthick

... Petitioner/A2 in Crl.O.P.No.29136 of 2023

3.N.Sanhosh Kumar

... Petitioner/A4 in Crl.O.P.No.29197 of 2023

Vs.

State represented by

The Inspector of Police,

H-6, RK Nagar Police Station,

Korukkupet, Chennai.

Crime No.778 of 2023

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

PRAYER: These Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.778 of 2023 on the file of the respondent.



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For Petitioner : Mr. R.C.Paul Kanagaraj
For Mr.P.Anbzhagan
(in Crl.O.P.No.29029 of 2023)

For Petitioner : Mr. M.Sathish Kumar
(in Crl.O.P.Nos.29136 & 29197 of 2023)

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

For Intervener : Mr. S. Jabadoss Pandian,
in all Crl.O.Ps

COMMON ORDER

The 1st accused has filed Crl.O.P.No.29029 of 2023, the 2nd accused has filed Crl.O.P.No.29136 of 2023 and the 4th accused has filed Crl.O.P.No.29197 of 2023, all in Crime No.778 of 2023 registered under Sections 147, 148, 323, 324, 307 and 506(ii) of IPC. The petitioners had been remanded to judicial custody on 18.12.2023. They seek bail.

2.It is the case of the prosecution that on 17.12.2023 when the defacto complainant went to the ration shop to buy Flood Relief Token, owing to an earlier dispute between A1 and the defacto complainant since both of them had put digital banners in the area on behalf of their respective



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political parties, when the defacto complainant came to the ration shop, A1 also came to the ration shop and there was a wordy quarrel between them. Thereafter, A2 came to the ration shop and tried to hit the defacto complainant by driving his two wheeler in a speedy manner. Then, A3 to A8 assaulted the defacto complainant with beer bottle on his back side. They also attacked and threatened the brother of the defacto complainant and his friends. The public came there and the accused persons ran away. On the basis of the complaint given by the defacto complainant on 18.12.2023, a case in First Information Report in Crime No.778 of 2023 had been registered under Sections 147, 148, 323, 324, 307 and 506(ii) of IPC and all the three petitioners had been arrested on the same day.

3.The learned counsel for the petitioners in one voice stated that the entire allegations are motivated by political enmity and also stated that the injuries sustained were not serious and that the defacto complainant had been discharged from the hospital.

4.The learned Government Advocate (Criminal Side) for the



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respondent, strongly opposed for grant of any relief by stating that the defacto complainant had been admitted to hospital on 17.12.2023 and had been discharged on 03.01.2024. It had been stated that the injuries were serious in nature and that the defacto complainant had to remain in the hospital for a considerable period of time. It is stated that as against A1, there are two cases pending and as against A2, there are no previous cases and as against A4, there are no previous cases.

5.A counter affidavit has also been filed by the Investigating Officer and after stating the facts, he had stated that he had prepared rough sketch and observation mahazar in the presence of the witnesses and also examined the defacto complainant and two other injured persons and also recorded the statements of them. He also stated that he had arrested A1 to A6 and recorded the confession of A1 and seized wooden log and bottles under seizure mahazars. He also stated that A7 and A8 are absconding. He also stated that if the petitioners are let out on bail, they will commit similar offences and there is every possibility of escaping from the clutches of law.

6.In all the three petitions, the defacto complainant had also filed



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intervening petitions and in the intervening petitions, it had been stated that before three years there was a local election and that he contested against A1 and therefore there was hostility nurtured by A1 against him. He further stated that A1 erected a banner giving false news about the flood relief funds. It had been stated that owing to this there was further disputes between him and A1. It had also been stated that on 17.12.2023, when he was standing and speaking to his brother and two other persons, A2 came in a two wheeler, riding it in a rash manner and hit him and all the other accused attacked him with the beer bottle in the left back three times. He further stated that he was still in hospital at the time when the petition for bail was filed and that A1 was an habitual offender and he was having life threat from A1 and other accused. He therefore objected to grant of bail.

7.I have carefully considered the arguments advanced and also perused the relevant records. I had also called for the case dairy from the Investigating Officer and examined the same.

8.The First Information Report in Crime No.778 of 2023 had been



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registered on 18.12.2023 under Sections 147, 148, 323, 324, 307 and 506(ii) of IPC., on a complaint given by the defacto complainant in which, the petitioners herein had been named as accused along with five others.

9.It is seen from the case dairy that the Investigating Officer had prepared a rough sketch of the place of the scene of occurrence and had also recorded the statement of the defacto complainant and other injured persons. He had also obtained the records from the hospital where the defacto complainant had been admitted.

10.This is an incident, which has generated much heat during the course of arguments in the Court, primarily not owing to the nature of the offences but owing to the position in which the defacto complainant and the 1st accused are placed. The underlining enmity between them is evident.

11.It is contended that the defacto complainant had been hospitalized for a considerable period of time from 17.12.2023 till 03.01.2024. The Medicolegal Discharge Summary had been perused and it had been stated that the nature of injury is simple and the same had been



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underlined. The place of injury is not on any vital organ or in any deep part of the body. It was certainly not life threatening. The external injuries were laceration caused due to stab injury at the back. The injuries were also not deep but there was only partial muscle cut, which was sutured. The wound had completed healed and the suture had also been removed.

12.It is thus seen that except for political enmity, if viewed as any other assault, the only order which could be passed would be to grant bail. Since there is political enmity between the defacto complainant and the 1st accused, the only extra caution which this Court should impose would be to ensure that the rivalry does not intensify further. Necessary conditions in that regard will have to be imposed.

13.Observing as above, this Court is inclined to grant bail to the petitioners subject to the following conditions:

14. Accordingly, the petitioners 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 XV Metropolitan Magistrate, George Town, Chennai and on further conditions that:-

[a] the sureties shall affix their photographs and Left



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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 petitioners shall report before the respondent police daily Morning at 10.30 a.m., Afternoon at 2.00 p.m., and Evening at 5.30 p.m., until further orders.

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

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

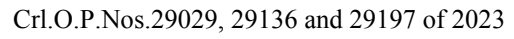
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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.

15. Consequently, connected Miscellaneous Petitions are closed.

11.01.2024

smv



1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
H-6, RK Nagar Police Station,
Korukkupet, Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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