

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand Seventeen
PRESENT

The Hon`ble Mr Justice R.PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.29728 of 2017

SURYA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY: [RESPONDENT]
INSPECTOR OF POLICE,
K3 AMINJIKARAI POLICE STATION,
CHENNAI,
CR.NO.1597 OF 2017.

For Petitioner : M/S.K.VEERAMUTHU Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

The petitioner is arrayed as the 3rd accused in Crime No.1597/2017 of K3 Aminjikarai Police Station, was surrendered and remanded to judicial custody on 05.12.2017 for the commission of the alleged offences u/s.147, 148, 341, 324 and 307 IPC and he has filed this application for grant of bail.

2 The case of the prosecution is that due to previous enmity, the petitioner along with the other accused attacked the defacto complainant, causing injuries on him, resulting in the registration of the case.

3 The learned counsel who is appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged, he is in no way connected with the occurrence and he is in duress for the past 23 days and prayed to enlarge the petitioner on bail.

4 The learned Government Advocate [Crl.Side] would submit that the injured has been discharged from the hospital and that the investigation is almost completed.

5 Considering the submissions made by either side, it appears that the offence u/s. 147, 148, 341, 324 and 307 IPC has been registered against the petitioner and he has been ranked as A3 in

the alleged offence. Learned Government Advocate represented that the person who sustained injuries during the time of occurrence was discharged from the hospital. The petitioner has been remanded to the judicial custody on 05.12.2017 onwards. Both side admitted that the petitioner is having permanent residence. Hence there is no chance for absconding.

6 Taking all the above said aspects into consideration, having regard to the period of detention and also due to the reason that the injured has been discharged from the hospital, this Court is of the view that the custodial interrogation of the petitioner is not necessary and therefore, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(i) The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum each to the satisfaction of the learned V Metropolitan Magistrate, Allikulam, Chennai.

(ii) The petitioner shall report before the respondent / police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(iii) On the failure of the petitioner to comply with conditions regularly, bail granted to him shall stand cancelled automatically and the petition is allowed accordingly.

(iv) The petitioner shall not tamper the evidence or witness either during investigation or trial.

(v) The petitioner shall not abscond either during investigation or trial.

(vi) 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].

-sd/-
28/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.V, ALLIKULAM, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K3 AMINJIKARAI POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

+1CC to M/S.K.VEERAMUTHU Advocate on payment of necessary
charges SR NO.23379

CRL OP.29728/2017

Date :28/12/2017

MK:28/12/2017